

**THE STUDY GUIDE FOR THE EXAMINATION ON
THE LAWS & REGULATIONS
GOVERNING THE PRACTICE OF PHYSICAL THERAPY**



This contains excerpts from the Corporations Code, Business and Professions Code, and the California Code of Regulations

NOTE1: The language contained on this document is thought to be accurate as of December 1, 1997.. Full copies of the laws and regulations may be obtained from law libraries and bookstores. The California Chapter, American Physical Therapy Association (CA-APTA) also has a publication which contains the Physical Therapy Practice Act and Regulations. For information on obtaining the publication from the CA-APTA please call (916) 929-2782

NOTE2: As of January 1, 1997 the Physical Therapy Examining Committee has been legally renamed the Physical Therapy Board of California (reference amended sections 2601. and 2602. of the Business and Professions Code).

BUSINESS AND PROFESSIONS CODE OF CALIFORNIA
DIVISION 1
CHAPTER 1 THE DEPARTMENT

125.6. Unprofessional Conduct - Discrimination

Every person who holds a license under the provisions of this code is subject to disciplinary action under the disciplinary provisions of this code applicable to such person if, because of the applicant's race, color, sex, religion, ancestry, disability, marital status, or national origin, he or she refuses to perform the licensed activity or aids or incites the refusal to perform such licensed activity by another licensee, or if, because of the applicant's race, color, sex, religion, ancestry, disability, marital status, or national origin, he or she makes any discrimination, or restriction in the performance of the licensed activity. Nothing in this section shall be interpreted to apply to discrimination by employers with regard to employees or prospective employees, nor shall this section authorize action against any club license issued pursuant to Article 4 (commencing with Section 23425) of Chapter 3 of Division 9 because of discriminatory membership policy. The presence of architectural barriers to an individual with physical disabilities which conform to applicable state or local building codes and regulations shall not constitute discrimination under this section. Nothing in this section requires a person licensed pursuant to Division 2 (commencing with Section 500) to permit an individual to participate in, or benefit from, the licensed activity of the licensee where that individual poses a direct threat to the health or safety of others. For this purpose, the term "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids and services.

"License," as used in this section, includes "certificate," "permit," "authority," and "registration" or any other indicia giving authorization to engage in a business or profession regulated by this code.

"Applicant," as used in this section means a person applying for licensed services provided by a person licensed under this code.

"Disability" means any of the following with respect to an individual:

- (a) A physical or mental impairment that substantially limits one or more of the major life activities of the individual.
- (b) A record of such an impairment.
- (c) Being regarded as having such an impairment.

125.9. Citations

(a) Except with respect to persons regulated under Chapter 8 (commencing with Section 6850), Chapter 11 (commencing with Section 7500), Chapter 11.5 (commencing with Section 7512), and Chapter 11.6 (commencing with Section 7590) of Division 3, or a person holding a license specified in paragraph (1), (6), or (7) of subdivision (b) of Section 9941, any board, bureau, or commission within the department may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) Where appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed two thousand five hundred dollars (\$2,500) for each inspection or each investigation made with respect to the violation, or two thousand five hundred dollars (\$2,500) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to such factors as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, where a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

128. Unlawful Sale of Goods or Services

Notwithstanding any other provision of law, it is a misdemeanor to sell equipment, supplies, or services to any person with knowledge that the equipment, supplies, or services are to be used in the performance of a service or contract in violation of the licensing

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY requirements of this code.

The provisions of this section shall not be applicable to cash sales of less than one hundred dollars (\$100).

For the purposes of this section, "person" includes, but is not limited to, a company, partnership, limited liability company, firm, or corporation.

For the purposes of this section, "license" includes certificate or registration.

A violation of this section shall be punishable by a fine of not less than one thousand dollars (\$1,000) and by imprisonment in the county jail not exceeding six months.

CHAPTER 1.5 UNLICENSED ACTIVITY ENFORCEMENT

145. Legislative Intent

The Legislature finds and declares that:

(a) Unlicensed activity in the professions and vocations regulated by the Department of Consumer Affairs is a threat to the health, welfare, and safety of the people of the State of California.

(b) The law enforcement agencies of the state should have sufficient, effective, and responsible means available to enforce the licensing laws of the state.

(c) The criminal sanction for unlicensed activity should be swift, effective, appropriate, and create a strong incentive to obtain a license.

ARTICLE 6. UNEARNED REBATES, REFUNDS AND DISCOUNTS

650. Consideration for Referrals Prohibited

Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code, the offer, delivery, receipt, or acceptance by any person licensed under this division of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest or coownership in or with any person to whom these patients, clients or customers are referred is unlawful.

The payment or receipt of consideration for services other than the referral of patients which is based on a percentage of gross revenue or similar type of contractual arrangement shall not be unlawful if the consideration is commensurate with the value of the services furnished or with the fair rental value of any premises or equipment leased or provided by the recipient to the payor.

Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code and in Sections 654.1 and 654.2, it shall not be unlawful for any person licensed under this division to refer a person to any laboratory, pharmacy, clinic (including entities exempt from licensure pursuant to Section 1206 of the Health and Safety Code), or health care facility solely because the licensee has a proprietary interest or coownership in the laboratory, pharmacy, clinic, or health care facility; provided, however, that the licensee's return on investment for that proprietary interest or coownership shall be based upon the amount of the capital investment or proportional ownership of the licensee which ownership interest is not based on the number or value of any patients referred. Any referral excepted under this section shall be unlawful if the prosecutor proves that there was no valid medical need for the referral.

"Health care facility" means a general acute care hospital, acute psychiatric hospital, skilled nursing facility, intermediate care facility, and any other health facility licensed by the State Department of Health Services under Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

A violation of this section is a public offense and is punishable upon a first conviction by imprisonment in the county jail for not more than one year, or by imprisonment in the state prison, or by a fine not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine. A second or subsequent conviction is punishable by imprisonment in the state prison.

PHYSICIAN OWNERSHIP AND REFERRAL ACT OF 1993

(a) This act shall be known and may be cited as the "Physician Ownership and Referral Act of 1993."

(b) It is recognized by the Legislature that the referral of a patient by a health care provider to a provider of health care services in which the referring health care provider has an investment interest represents a potential conflict of interest.

(c) The Legislature finds these referral practices may limit or eliminate competitive alternatives in the health care services market, may result in over utilization of health care services, may increase costs to the health care system, and may adversely affect the quality of health care.

(d) The Legislature also recognizes, however, that it may be appropriate for providers to own entities providing health care services, and to refer patients to those entities, as long as certain safeguards are present in the arrangement.

(e) It is the intent of the Legislature to provide guidance to health care providers regarding prohibited patient referrals between health care providers and entities providing health care services and to protect the citizens of California from unnecessary and costly health care expenditures.

651. Advertising; Fraudulent, Misleading, or Deceptive

(a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY

cause to be disseminated, any form of public communication containing a false, fraudulent, misleading, or deceptive statement or claim, for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed. A “public communication” as used in this section includes, but is not limited to, communication by means of television, radio, motion picture, newspaper, book, or list or directory of healing arts practitioners.

(b) A false, fraudulent, misleading, or deceptive statement or claim includes a statement or claim which does any of the following:

- (1) Contains a misrepresentation of fact.
- (2) Is likely to mislead or deceive because of a failure to disclose material facts.
- (3) Is intended or is likely to create false or unjustified expectations of favorable results.
- (4) Relates to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully and specifically disclosing all variables and other material factors.
- (5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(c) Any price advertisement shall be exact, without the use of such phrases as “as low as,” “and up,” “lowest prices” or words or phrases of similar import. Any advertisement which refers to services, or costs for services, and which uses words of comparison must be based on verifiable data substantiating the comparison. Any person so advertising shall be prepared to provide information sufficient to establish the accuracy of that comparison. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisement of bait, discount, premiums, gifts, or any statements of a similar nature. In connection with price advertising, the price for each product or service shall be clearly identifiable. The price advertised for products shall include charges for any related professional services, including dispensing and fitting services, unless the advertisement specifically and clearly indicates otherwise.

(d) Any person so licensed shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity unless the fact of compensation is made known in that publicity.

(e) Any person so licensed may not use any professional card, professional announcement card, office sign, letterhead, telephone directory listing, medical list, medical directory listing, or a similar professional notice or device if it includes a statement or claim that is false, fraudulent, misleading, or deceptive within the meaning of subdivision (b).

(f) Any person so licensed who violates any provision of this section is guilty of a misdemeanor. A bona fide mistake of fact shall be a defense to this subdivision but only to this subdivision.

(g) Any violation of any provision of this section by a person so licensed shall constitute good cause for revocation or suspension of his or her license or other disciplinary action.

(h) Advertising by any person so licensed may include the following:

- (1) A statement of the name of the practitioner.
- (2) A statement of addresses and telephone numbers of the offices maintained by the practitioner.
- (3) A statement of office hours regularly maintained by the practitioner.
- (4) A statement of languages, other than English, fluently spoken by the practitioner or a person in the practitioner’s office.
- (5) (A) A statement that the practitioner is certified by a private or public board or agency or a statement that the practitioner limits his or her practice to specific fields. For the purposes of this section, the statement of a practitioner licensed under Chapter 4 (commencing with Section 1600) who limits his or her practice to a specific field or fields, shall only include a statement that he or she is certified or is eligible for certification by a private or public board or parent association recognized by that practitioner’s licensing board. A statement of certification by a practitioner licensed under Chapter 7 (commencing with Section 3000) shall only include a statement that he or she is certified or eligible for certification by a private or public board or parent association recognized by that practitioner’s licensing board.

(B) A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California may include a statement that he or she limits his or her practice to specific fields, but may only include a statement that he or she is certified or eligible for certification by a private or public board or parent association, including, but not limited to, a multidisciplinary board or association, if that board or association is (i) an American Board of Medical Specialties member board, (ii) a board or association with equivalent requirements approved by that physician and surgeon’s licensing board, or (iii) a board or association with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in that specialty or subspecialty. A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by an organization other than a board or association referred to in clause (i), (ii), or (iii) shall not use the term “board certified” in reference to that certification.

For purposes of this subparagraph, a “multidisciplinary board or association” means an educational certifying body that has a psychometrically valid testing process, as determined by the Medical Board of California, for certifying medical doctors and other health care professionals that is based on the applicants’ education, training, and experience.

For purposes of the term “board certified,” as used in this subparagraph, the terms “board” and “association” means an organization that is an American Board of Medical Specialties member board, an organization with equivalent requirements approved by a physician and surgeon’s licensing board, or an organization with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in a specialty or subspecialty.

The Medical Board of California shall adopt regulations to establish and collect a reasonable fee from each board or association applying for recognition pursuant to this subparagraph. The fee shall not exceed the cost of administering this subparagraph.

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY
Notwithstanding Section 2 of Chapter 1660 of the Statutes of 1990, this subparagraph shall become operative July 1, 1993. However, an administrative agency or accrediting organization may take any action contemplated by this subparagraph relating to the establishment or approval of specialist requirements on and after January 1, 1991.

- (6) A statement that the practitioner provides services under a specified private or public insurance plan or health care plan.
 - (7) A statement of names of schools and postgraduate clinical training programs from which the practitioner has graduated, together with the degrees received.
 - (8) A statement of publications authored by the practitioner.
 - (9) A statement of teaching positions currently or formerly held by the practitioner, together with pertinent dates.
 - (10) A statement of his or her affiliations with hospitals or clinics.
 - (11) A statement of the charges or fees for services or commodities offered by the practitioner.
 - (12) A statement that the practitioner regularly accepts installment payments of fees.
 - (13) Otherwise lawful images of a practitioner, his or her physical facilities, or of a commodity to be advertised.
 - (14) A statement of the manufacturer, designer, style, make, trade name, brand name, color, size, or type of commodities advertised.
 - (15) An advertisement of a registered dispensing optician may include statements in addition to those specified in paragraphs (1) to (15), inclusive, provided, that any statement shall not violate subdivision (a), (b), (c), or (e) of this section or any other section of this code.
 - (16) A statement, or statements, providing public health information encouraging preventative or corrective care.
 - (17) Any other item of factual information that is not false, fraudulent, misleading, or likely to deceive.
 - (i) Each of the healing arts boards and boards within Division 2 shall adopt appropriate regulations to enforce this section in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
- Each of the healing arts boards and committees and examining committees within Division 2 shall, by regulation, define those efficacious services to be advertised by business or professions under their jurisdiction for the purpose of determining whether advertisements are false or misleading. Until a definition for that service has been issued, no advertisement for that service shall be disseminated. However, if a definition of a service has not been issued by a board or committee within 120 days of receipt of a request from a licensee, all those holding the license may advertise the service. Those boards and committees shall adopt or modify regulations defining which services may be advertised, the manner in which defined services may be advertised, and restricting advertising which would promote the inappropriate or excessive use of health services or commodities. A board or committee shall not, by regulation, unreasonably prevent truthful, nondeceptive price or otherwise lawful forms of advertising of services or commodities, by either outright prohibition or imposition of onerous disclosure requirements. However, any member of a board or committee acting in good faith in the adoption or enforcement of any regulation shall be deemed to be acting as an agent of the state.
- (j) The Attorney General shall commence legal proceedings in the appropriate forum to enjoin advertisements disseminated or about to be disseminated in violation of this section and seek other appropriate relief to enforce this section. Notwithstanding any other provision of law, the costs of enforcing this section to the respective licensing boards or committees may be awarded against any licensee found to be in violation of any provision of this section. This shall not diminish the power of district attorneys, county counsels, or city attorneys pursuant to existing law to seek appropriate relief.

DIVISION 2

CHAPTER 1, ARTICLE 10.5 UNPROFESSIONAL CONDUCT

725. Excessive Prescribing or Treatment

Repeated acts of clearly excessive prescribing or administering of drugs or treatment, repeated acts of clearly excessive use of diagnostic procedures, or repeated acts of clearly excessive use of diagnostic or treatment facilities as determined by the standard of the community of licensees is unprofessional conduct for a physician and surgeon, dentist, podiatrist, psychologist, physical therapist, chiropractor, or optometrist.

Any person who engages in repeated acts of clearly excessive prescribing or administering of drugs or treatment is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) nor more than six hundred dollars (\$600), or by imprisonment for a term of not less than 60 days nor more than 180 days, or by both the fine and imprisonment.

726. Sexual Relations with Patients

The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

ARTICLE 12. INSURANCE FRAUD

810. Unprofessional Conduct

- (a) It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY certificate, for a health care professional to do any of the following in connection with his professional activities:

- (1) Knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance.
- (2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any such claim.
- (b) It shall constitute cause for revocation or suspension of a license or certificate for a health care professional to engage in any conduct prohibited under Section 1871.1 or 1871.4 of the Insurance Code.
- (c) As used in this section, health care professional means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act.

ARTICLE 3. LICENSE REQUIRED AND EXEMPTIONS

2068. Exemption: Nutritional Advice--Notice Required

This chapter shall not be construed to prohibit any person from providing nutritional advice or giving advice concerning proper nutrition. However, this section confers no authority to practice medicine or surgery or to undertake the prevention, treatment, or cure of disease, pain, injury, deformity, or physical or mental conditions or to state that any product might cure any disease, disorder, or condition in violation of any provision of law.

For purposes of this section the terms "providing nutritional advice or giving advice concerning proper nutrition" means the giving of information as to the use and role of food and food ingredients, including dietary supplements.

Any person in commercial practice providing nutritional advice or giving advice concerning proper nutrition shall post in an easily visible and prominent place the following statement in his or her place of business:

"NOTICE"

"State law allows any person to provide nutritional advice or give advice concerning proper nutrition-which is the giving of advice as to the role of food and food ingredients, including dietary supplements. This state law does NOT confer authority to practice medicine or to undertake the diagnosis, prevention, treatment, or cure of any disease, pain, deformity, injury, or physical or mental condition and specifically does not authorize any person other than one who is a licensed health practitioner to state that any product might cure any disease, disorder, or condition."

The notice required by this section shall not be smaller than 8 1/2 inches by 11 inches and shall be legibly printed with lettering no smaller than 1/2 inch in length, except the lettering of the word "NOTICE" shall not be smaller than 1 inch in length.

2069. Medical Assistants

(a) Notwithstanding any other provision of law, a medical assistant may administer medication only by intradermal, subcutaneous, or intramuscular injections and perform skin tests and additional technical supportive services upon the specific authorization and supervision of a licensed physician and surgeon or a licensed podiatrist.

(b) As used in this section and Sections 2070 and 2071, the following definitions shall apply:

(1) "Medical assistant" means a person who may be unlicensed, who performs basic administrative, clerical, and technical supportive services in compliance with this section and Section 2070 for a licensed physician and surgeon or a licensed podiatrist, or group thereof, for a medical or podiatry corporation, or for a health care services plan, who is at least 18 years of age, and who has had at least the minimum amount of hours of appropriate training pursuant to standards established by the Division of licensing. The medical assistant shall be issued a certificate by the training institution or instructor indicating satisfactory completion of the required training. A copy of the certificate shall be retained as a record by each employer of the medical assistant.

(2) "Specific authorization" means a specific written order prepared by the supervising physician and surgeon or the supervising podiatrist authorizing the procedures to be performed on a patient, which shall be placed in the patient's medical record; or a standing order prepared by the supervising physician and surgeon or the supervising podiatrist authorizing the procedures to be performed, the duration of which shall be consistent with accepted medical practice. A notation of the standing order shall be placed on the patient's medical record.

(3) "Supervision" means the supervision of procedures authorized by this section by a licensed physician and surgeon or by a licensed podiatrist, within the scope of his or her practice, who shall be physically present in the treatment facility during the performance of those procedures.

(4) "Technical supportive services" means simple routine medical tasks and procedures that may be safely performed by a medical assistant who has limited training and who functions under the supervision of a licensed physician and surgeon or a licensed podiatrist.

(c) Nothing in this section shall be construed as authorizing the licensure of medical assistants. Nothing in this section shall be construed as authorizing the administration of local anesthetic agents by a medical assistant. Nothing in this section shall be construed as authorizing the division to adopt any regulations that violate the prohibitions on diagnosis or treatment in Section 2052.

(d) Notwithstanding any other provision of law, a medical assistant may not be employed for inpatient care in a licensed general acute care hospital as defined in subdivision (a) of Section 1250 of the Health and Safety Code.

ARTICLE 17. EXEMPTIONS FROM LIABILITY

2395. Emergency Care; Scene of an Emergency

No licensee, who in good faith renders emergency care at the scene of an emergency, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

“The scene of an emergency as used in this section shall include, but not be limited to, the emergency rooms of hospitals in the event of a medical disaster. “Medical disaster” means a duly proclaimed state of emergency or local emergency declared pursuant to the California Emergency Services Act (Chapter 7(commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

Acts or omissions exempted from liability pursuant to this section shall include those acts or omissions which occur after the declaration of a medical disaster and those which occurred prior to such declaration but after the commencement of such medical disaster. The immunity granted in this section shall not apply in the event of a willful act or omission.

ARTICLE 19. RENEWAL OF LICENSE

2420. Applicability of Article

The provisions of this article apply to, determine the expiration of, and govern the renewal of, each of the following certificates, licenses, registrations, and permits issued by or under the Medical Board of California: physician's and surgeon's certificates, certificates to practice podiatric medicine, physical therapy licenses and approvals, registrations of dispensing opticians, registrations of contact lens dispensers, certificates of drugless practitioners, certificates to practice midwifery, and fictitious-name permits.

2428. Failure to Renew License Within Five Years

(a) A person who fails to renew his or her license within five years after its expiration may not renew it, and it may not be reissued, reinstated, or restored thereafter, but such person may apply for and obtain a new license if he or she:

(1) Has not committed any acts or crimes constituting grounds for denial of licensure under Division 1.5 (commencing with Section 475).

(2) Takes and passes the examination, if any, which would be required of him or her if application for licensure was being made for the first time, or otherwise establishes to the satisfaction of the licensing authority which passes on the qualifications of applicants for such license that, with due regard for the public interest, he or she is qualified to practice the profession or activity for which the applicant was originally licensed.

(3) Pays all of the fees that would be required if application for licensure was being made for the first time.

The licensing authority may provide for the waiver or refund of all or any part of an examination fee in those cases in which a license is issued without an examination pursuant to this section.

Nothing in this section shall be construed to authorize the issuance of a license for a professional activity or system or mode of healing for which licenses are no longer required.

(b) Subdivision (a) shall apply to persons who held licenses to practice podiatric medicine except that those persons who failed to renew their licenses within three years after its expiration may not renew it, and it may not be reissued, reinstated, or restored, except in accordance with subdivision (a).

2429. Renewal of Suspended or Revoked License

(a) A license which is suspended for unprofessional conduct is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended, and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

(b) A license which is revoked for unprofessional conduct is subject to expiration as provided in this article, but it shall not be renewed. If it is reinstated by the licensing authority after its expiration, the licensee, as a condition precedent to reinstatement or restoration of licensure, shall pay a reinstatement fee which is an amount equal to the current renewal fee, plus the delinquency fee, if any.

CHAPTER 5.7 PHYSICAL THERAPY

ARTICLE 1. ADMINISTRATION

2600. Citation of Chapter

This chapter may be cited as the Physical Therapy Practice Act.

2601. “Board” Defined

"Board" as used in this chapter means the Physical Therapy Board of California.

2602. Physical Therapy Board of California

There is hereby created within the jurisdiction of the Medical Board of California, a Physical Therapy Board of California, hereinafter referred to as the board. The board shall enforce and administer this chapter.

This section shall become inoperative on July 1, 1999, and, as of January 1, 2000, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2000, deletes or extends the dates on which it becomes inoperative and is repealed.

2603. Composition

The members of the board consist of the following: three physical therapists who shall have practiced physical therapy for five years and shall be licensed by the board and three public members who shall not be licentiates of the board or of any other board under the Medical Board of California or of any board referred to in Sections 1000 and 3600.

2604. Terms; Removal of Members

The members of the board shall be appointed for a term of four years, expiring on the first day of June of each year. The Governor shall appoint one of the public members and the three physical therapist members of the board qualified as provided in Section 2603. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983. Not more than one member of the board shall be appointed from the full-time faculty of any university, college, or other educational institution. No person may serve as a member of the board for more than two consecutive terms. Vacancies shall be filled by appointment for the unexpired term. Annually the board shall elect one of its members as president. The appointing power shall have the power to remove any member of the board from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

2604.5. Public Member: Qualifications

The public members shall be appointed from persons having all of the following qualifications:

- (a) Be a citizen of California.
- (b) Shall not be an officer or faculty member of any college, school or institution engaged in physical therapy education.
- (c) Shall not be a licentiate of the Medical Board of California or of any board under this division or of any board referred to in Sections 1000 and 3600.

2605. Examination of Applicants

It shall be the duty of the board to examine applicants for a license as provided by this chapter, at those places and times as shall be designated by the board in its discretion. It may employ physical therapists licensed pursuant to this chapter to aid it in that examination. The examination shall reasonably test the applicant's knowledge of physical therapy in areas such as: anatomy, pathology, kinesiology, physiology, psychology, physics, electrotherapy, radiation therapy, hydrotherapy, massage, therapeutic exercise, physical therapy as applied to medicine, neurology, orthopedics, surgery, psychiatry, procedures of evaluation, testing, measuring, and technical procedures in the practice of physical therapy, consultation, and program planning.

2606. Compensation

Each member of the board shall receive a per diem and expenses as provided in Section 103.

2607. Employees

The board may employ, subject to law, such clerical assistants and, except as provided in Section 159.5, other employees as it may deem necessary to carry out its powers and duties.

The board may as necessary select and contract with physical therapy consultants who are licensed physical therapists to assist it in its programs on an intermittent basis. Notwithstanding any other provision of law, the board may contract with these consultants on a sole source basis. For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, any consultant under contract with the board shall be considered a public employee.

2607.5. Executive Officer

The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter. This section shall become inoperative on July 1, 1999, and, as of January 1, 2000, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2000, deletes or extends the dates on which it becomes inoperative and is repealed.

2608. Disciplinary Proceedings

The procedure in all matters and proceedings relating to the denial, suspension, or revocation of licenses under this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

2608.5. Inspections; Report

Each member of the board, or any licensed physical therapist appointed by the board, may inspect, or require reports from, a general or specialized hospital or any other facility providing physical therapy care, treatment or services and the physical therapy staff thereof, with respect to the physical therapy care, treatment, services, or facilities provided therein, and may inspect physical therapy patient records with respect to the care, treatment, services, or facilities. The authority to make inspections and to require reports as provided by this section shall not be delegated by a member of the board to any person other than a physical therapist and shall be subject to the restrictions against disclosure described in Section 2263.

2609. Suspension and Revocation of Licenses

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

2611. Meetings

The board shall hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles and San Francisco. The board

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place as the board may designate.

2612. Meeting Notice

Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

2613. Commissioner on Examination

The board may appoint qualified persons to give the whole or any portion of any examination as provided in this chapter, who shall be designated as a commissioner on examination. A commissioner on examination need not be a member of the board but shall be subject to the same rules and regulations and shall be entitled to the same fee as if he or she were a member of the board.

2614. Hearings

(a) The board shall hear all matters, including but not limited to, any contested case or any petition for reinstatement, restoration, or modification of probation. Except as otherwise provided in this chapter, all hearings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If a contested case is heard by the board the hearing officer who presided at the hearing shall be present during the board's consideration of the case and, if requested, shall assist and advise the board.

(b) At the conclusion of the hearing, the board shall deny an application for, or suspend or revoke, or impose probation conditions upon, a license or approval.

2615. Regulations

The board shall from time to time adopt regulations that may be necessary to effectuate this chapter. In adopting regulations the board shall comply with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

ARTICLE 2. GENERAL PROVISIONS

2620. Physical Therapy Defined

Physical therapy means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter, and a license issued pursuant to this chapter does not authorize the diagnosis of disease.

2620.3. Topical Medications

A physical therapist licensed pursuant to this chapter may apply topical medications as part of the practice of physical therapy as defined in Section 2620 if he or she complies with regulations duly adopted by the board pursuant to this section and the Administrative Procedure Act. The board shall adopt regulations implementing this section after meeting and conferring with the Medical Board of California and the California State Board of Pharmacy specifying those topical medications applicable to the practice of physical therapy and protocols for their use. Nothing in this section shall be construed to authorize a physical therapist to prescribe medications.

2620.5. Tissue Penetration

A physical therapist may, upon specified authorization of a physician and surgeon, perform tissue penetration for the purpose of evaluating neuromuscular performance as a part of the practice of physical therapy, as defined in Section 2620, provided the physical therapist is certified by the board to perform the tissue penetration and evaluation, and provided the physical therapist does not develop or make diagnostic or prognostic interpretations of the data obtained.

The board, after meeting and conferring with the Division of Licensing of the Medical Board of California, shall:

(a) Adopt standards and procedures for tissue penetration for the purpose of evaluating neuromuscular performance by certified physical therapists.

(b) Establish standards for the certification of physical therapists to perform tissue penetration for the purpose of evaluating neuromuscular performance.

(c) Certify physical therapists meeting standards established by the board pursuant to this section.

2620.7. Patient Records

A physical therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record. Patient records shall be maintained for a period of no less than seven years following the discharge of the patient, except that the records of unemancipated minors shall be maintained at least one year after the minor has reached the age of 18 years, and not in any case less than seven years.

2621. Limitation

Nothing in this chapter shall be construed as authorizing a physical therapist to practice medicine, surgery, or any other form of healing except as authorized by Section 2620.

2622. Definitions

"Physical therapist," or "physiotherapist," or "physical therapy technician" means a person who practices physical therapy. For all purposes of this chapter the term "physical therapy" and "physiotherapy" shall be deemed identical and interchangeable.

ARTICLE 3. LICENSING OF PRACTITIONERS

2630. License Required--Exceptions

It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter. Nothing in this section shall restrict the activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or the activities authorized to be performed pursuant to Article 4.5 (commencing with Section 2655) or Chapter 7.7 (commencing with Section 3500). A physical therapist licensed pursuant to this chapter may utilize the services of one aide engaged in patient-related tasks to assist the physical therapist in his or her practice of physical therapy. "Patient-related task" means a physical therapy service rendered directly to the patient by an aide, excluding non-patient-related tasks. "Non-patient-related task" means a task related to observation of the patient, transport of the patient, physical support only during gait or transfer training, housekeeping duties, clerical duties, and similar functions. The aide shall at all times be under the orders, direction, and immediate supervision of the physical therapist. Nothing in this section shall authorize an aide to independently perform physical therapy or any physical therapy procedure. The board shall adopt regulations that set forth the standards and requirements for the orders, direction, and immediate supervision of an aide by a physical therapist. The physical therapist shall provide continuous and immediate supervision of the aide. The physical therapist shall be in the same facility as, and in proximity to, the location where the aide is performing patient-related tasks, and shall be readily available at all times to provide advice or instruction to the aide. When patient-related tasks are provided to a patient by an aide, the supervising physical therapist shall, at some point during the treatment day, provide direct service to the patient as treatment for the patient's condition, or to further evaluate and monitor the patient's progress, and shall correspondingly document the patient's record. The administration of massage, external baths, or normal exercise not a part of a physical therapy treatment shall not be prohibited by this section.

2632. Applications and Licenses

All licenses for the practice of physical therapy in this state shall be issued by the board, and all applications for the licenses shall be filed with the board. Excepting as otherwise required by the director pursuant to Section 164, the license issued by the board shall describe the licensee as a "physical therapist licensed by the Physical Therapy Board of California." Each application shall be accompanied by the application fee prescribed by Section 2688, shall be signed by the applicant, and shall contain a statement under oath of the facts entitling the applicant to receive a license without examination or to take an examination.

2633. Use of "P.T."

A person holding a license as a physical therapist issued by the board may use the title "physical therapist" or the letters "P.T." or any other words, letters or figures which indicate that the person using same is a licensed physical therapist. No other person shall be so designated or shall use the term licensed or registered physical therapist, licensed or registered physiotherapist, licensed or registered physical therapy technician, or the letters "L.P.T.," "R.P.T.," or "P.T.". The license as a physical therapist shall not authorize the use of the prefix "Dr.," the word "doctor," or any suffix or affix indicating or implying that the licensed person is a doctor or a physician or surgeon. Notwithstanding this section, a licentiate of this chapter may use an initial or other suffix indicating possession of a specific academic degree earned at, and issued by, an institution accredited by the Western Association of Schools and Colleges or any accrediting agency recognized by the National Commission on Accrediting or the United States Department of Education which the board determines is equivalent, except that the initials "M.D." shall not be used unless the licentiate is licensed as a physician and surgeon in this state.

2634. Investigation of Applicants

The board may investigate each and every applicant for a license, before a license is issued, in order to determine whether or not the applicant has in fact the qualifications required by this chapter.

2635. Applicants' Qualifications

Every applicant for a license under this chapter shall, at the time of application, be a person over 18 years of age, not addicted to alcohol or any controlled substance, have successfully completed the education and training required by Section 2650, and not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

2636. Examination Required

Except as otherwise provided in this chapter, no person shall receive a license under this chapter without first successfully passing an examination given under the direction of the board. The examination shall be in writing and shall be conducted by those persons and in the manner and under regulations as shall be prescribed by the board but shall be so conducted that the identity of each applicant taking an examination will be unknown to all of the examiners until all of the papers have been graded. Applicants for licensure as a physical therapist shall be required to demonstrate knowledge of the laws and regulations related to the practice of physical therapy in California. The examination shall reasonably test the applicant's knowledge of these laws and regulations.

2636.1. Uniform Examination

Examinations for a license as a physical therapist may be conducted by the board under a uniform examination system, and for that purpose the board may make any arrangements with organizations furnishing examination material as may in its discretion be desirable.

2636.5. Reciprocity Applicant

(a) An applicant may be issued a license without a written examination if he or she meets all of the following:

(1) He or she is at the time of application licensed or registered as a physical therapist in a state, district, or territory of the United States having, in the opinion of the board, requirements for licensing or registration equal to or higher than those in California, and he or she has passed, to the satisfaction of the board, an examination for licensing or registration that is, in the opinion of the board, comparable to the examination used in this state.

(2) He or she is a graduate of a physical therapist education program approved by the board, or has met the requirements of Section 2653.

(3) He or she files an application as provided in Section 2632 and meets the requirements prescribed by Sections 2635 and 2650.

(b) An applicant for licensure under subdivision (a), whose application is based on a certificate issued by a physical therapy licensing authority of another state may be required to pass an oral examination given by the board and file a statement of past work activity.

(c) An applicant who has filed a physical therapy application under this section with the board for the first time may, between the date of receipt of notice that his or her application is on file and the date of receipt of his or her license, perform as a physical therapist under the direct and immediate supervision of a physical therapist licensed in this state. During this period the applicant shall identify himself or herself only as a "physical therapist license applicant." If the applicant under this section does not qualify and receive a license as provided in this section and does not qualify under Section 2639 all privileges under this section shall terminate upon notice by certified mail, return receipt requested. An applicant may only qualify once to perform as a physical therapist license applicant.

2637. Passing Grade

Every applicant who is otherwise qualified as provided in this chapter and who receives a passing grade as established by the board on the examination shall be granted a license.

2638. Failure to Pass

Any applicant for licensure as a physical therapist who fails to pass the examination required by the board may take another examination and shall pay the reexamination fee.

2639. Graduate Practice

Every graduate of an approved physical therapist education program who has filed a complete application for licensure with the board for the first time may, following receipt of a letter of authorization to perform as a "physical therapist license applicant," perform as a physical therapist under the direct and immediate supervision of a physical therapist licensed in this state pending the results of the first licensing examination administered for which he or she is eligible following graduation from an approved physical therapist education program. During this period the applicant shall identify himself or herself only as a "physical therapist license applicant." If the applicant passes the examination, the physical therapist license applicant status shall remain in effect until a regular renewable license is issued, or licensure is denied, by the Board. If the applicant fails the licensing examination, or if he or she passes the examination but licensure is denied, the applicant shall be prohibited from performing as a physical therapist license applicant at any time in the future. A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internships required for graduation from the program. If the applicant fails to take the next succeeding examination without due cause or fails to pass the examination or receive a license, all privileges under this section shall terminate upon notice by certified mail, return receipt requested. An applicant may only qualify once to perform as a physical therapist license applicant.

2640. Computer Administered Testing / Physical Therapy License Applicant

(a) If the Board uses computer administered testing for the administration of the licensing examination, this section shall apply and Section 2639 shall not apply.

(b) Every graduate of an approved physical therapist education program who has filed a complete application for licensure with the Board for the first time may, following receipt of a letter of authorization to take the licensing examination and perform as a "physical therapist license applicant," perform as a physical therapist under the direct and immediate supervision of a physical therapist licensed in this state, for 90 days pending the results of the first licensing examination administered. During this period, the applicant shall

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY identify himself or herself only as a "physical therapist license applicant." If the applicant passes the examination, the physical therapist license applicant status shall remain in effect until a regular renewable license is issued, or licensure is denied, by the Board .

(c) A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internships required for graduation from the program.

(d) If the applicant fails to take the examination within 90 days or fails to pass the examination or receive a license, all privileges under this section shall terminate. An applicant may only qualify once to perform as a physical therapist license applicant.

ARTICLE 4. EDUCATIONAL STANDARDS

2650. Educational Requirements

(a) Except as otherwise provided in this chapter, each applicant for a license as a physical therapist shall be a graduate of a professional degree program of an accredited postsecondary institution or institutions approved by the board, and shall have completed a professional education including academic course work and clinical internship in physical therapy.

(b) As referenced in the evaluative criteria of the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association, the curriculum shall consist of a combination of didactic, clinical, and research experiences in physical therapy using critical thinking and weighing of evidence, and shall include, at a minimum, all of the following:

(1) The sciences basic to physical therapy including biomedical, physical, physiological, neurobiological, anatomical, social and behavioral sciences.

(2) Clinical sciences including laboratory or other practical experiences involving quantitative and qualitative evaluation within the scope of physical therapy practice including kinesiology, neuroscience, pathology, human development, and gerontology.

(3) Treatment that constitutes the practice of physical therapy.

(4) Learning experiences provided in the areas of administration, education, and consultation.

(5) Research methods including the review and critical analysis of research reports.

(6) Ethical, legal, and economical concepts of physical therapy practice.

(c) Each applicant shall have at least 18 weeks of full-time clinical experience with a variety of patients.

2650.1. Physical Therapy Student

During the period of clinical practice referred to in Section 2650 or in any similar period of observation or related educational experience involving recipients of physical therapy, a person so engaged shall be identified only as a "physical therapy student," or as a "physical therapy intern" as authorized by the board in its regulations.

2651. Approved Schools

The board may approve only those physical therapist education programs that prove to the satisfaction of the board that they comply with the minimum physical therapy educational requirements set forth in this chapter and adopted by the board pursuant to this chapter.

Physical therapist education programs that are recognized by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association shall be deemed approved by the board unless the board determines otherwise.

2652. Schools: Approval Denied

All physical therapist education programs, whether situated in this state or not, furnishing courses of study meeting the standards required by Sections 2650 and 2651 and the regulations of the board adopted pursuant to this chapter shall be approved by the board and shall be entitled to compel this approval, if it is denied, by action in the Superior Court of the State of California, the procedure and power of the court in which action shall be the same as provided in Section 2087.

2653. Applicants From Foreign Schools

(a) An applicant for a license as a physical therapist who was issued a diploma by a physical therapist education program that is not an approved program and is not located in the United States shall meet all of the following requirements in order to be licensed as a physical therapist:

(1) Furnish documentary evidence satisfactory to the board, that he or she has completed the equivalent professional degree to that issued by a United States accredited physical therapist education program in a physical therapist education program that entitles the applicant to practice as a physical therapist in the country where the diploma was issued. The physical therapy education received by the applicant shall meet the criteria set forth in subdivisions (b) and (c) of Section 2650. The board may require an applicant to submit documentation of his or her education to a credentials evaluation service for review and a report to the board.

(2) Pass the written examination required by Section 2636. The requirements to pass the written examination shall not apply to an applicant who at the time of application has passed, to the satisfaction of the board, an examination for licensure in another state, district, or territory of the United States, that is, in the opinion of the board, comparable to the examination given in this state.

(3) Complete a period of clinical service under the direct and immediate supervision of a physical therapist licensed by the board which does not exceed nine months in a location approved by the board, in a manner satisfactory to the board. The applicant shall have passed the written examination required in subdivision (b) prior to commencing the period of clinical service. The board shall require the supervising physical therapist to evaluate the applicant and report his or her findings to the board. The board may in its discretion waive all or part of the required clinical service pursuant to guidelines set forth in its regulations. During the period of

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY clinical service until he or she is issued a license as a physical therapist by the board, the applicant shall be identified as a "physical therapist license applicant."

(4) An applicant for licensure under this subdivision, whose application is based on a certificate issued by a physical therapist licensing authority of another state, may be required to pass an oral examination given by the board, and to file a statement of past work activity.

(b) Nothing contained in this section shall prohibit the board from disapproving any foreign physical therapist education program or from denying the applicant if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required by this chapter. If the applicant does not qualify to take the physical therapist examination, his or her education may be evaluated and the applicant may be eligible to take the physical therapist assistant examination.

ARTICLE 4.5. PHYSICAL THERAPIST ASSISTANT

2655. Definitions

As used in this article:

(a) "Physical therapist" means a physical therapist licensed by the board.

(b) "Physical therapist assistant" means a person who meets the qualifications stated in Section 2655.3 and who is approved by the board to assist in the provision of physical therapy under the supervision of a physical therapist who shall be responsible for the extent, kind, and quality of the services provided by the physical therapist assistant.

(c) "Physical therapist assistant" and "physical therapy assistant" shall be deemed identical and interchangeable.

2655.1. Regulations

The board shall adopt regulations that set forth standards and requirements for the adequate supervision of physical therapist assistants.

2655.11. Use of "P.T.A."

A person holding an approval as a physical therapist assistant issued by the Board may use the title "physical therapist assistant" or "physical therapy assistant" or the letters "P.T.A." or any other words, letters, or figures that indicate that the person is an approved physical therapist assistant. No other person shall be so designated or shall use the term "physical therapist assistant" or "P.T.A." The approval as a physical therapist assistant shall not authorize the use of the prefix "L.P.T.," "R.P.T.," "P.T.," or "Dr." or the title "physical therapist," "doctor," or any suffix or affix indicating or implying that the physical therapist assistant is a physical therapist or a doctor.

2655.2. Number of Assistants Supervised

A physical therapist shall not supervise more physical therapist assistants at any one time than in the opinion of the board can be adequately supervised. Two physical therapist assistants shall be the maximum number of physical therapist assistants supervised by a physical therapist at any one time, but the board may permit the supervision of a greater number by a physical therapist if, in the opinion of the board, there would be adequate supervision and the public's health and safety would be served. In no case, however, shall the total number of physical therapist assistants exceed twice the number of physical therapists regularly employed by a facility at any one time.

2655.3. Qualifications

A person seeking approval as a physical therapist assistant shall make application to the board for that approval. Every person applying for approval as a physical therapist assistant shall have all of the following qualifications:

(a) Have graduated from a physical therapist assistant education program approved by the board pursuant to Section 2655.9, or have training or experience or a combination of training and experience which in the opinion of the board is equivalent to that obtained in an approved physical therapist assistant education program.

(b) Successfully pass the examination required under this article.

(c) Not be addicted to alcohol or any controlled substance.

(d) Not have committed acts or crimes constituting grounds for denial of approval under Section 480.

2655.4. Examination

Except as otherwise provided in this chapter, no person shall receive approval as a physical therapist assistant without first successfully passing an examination given under the direction of the board. The examination shall be in writing and shall be conducted by those persons and in the manner and under regulations as shall be prescribed by the board, but shall be so conducted that the identity of each applicant taking an examination will be unknown to all of the examiners until all of the papers have been graded.

Applicants for approval as a physical therapist assistant shall be required to demonstrate knowledge of the laws and regulations

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY related to the practice of physical therapy in California by successfully passing an examination that reasonably tests the applicant's knowledge of these laws and regulations.

2655.5. Qualifications

Every applicant for approval as a physical therapist assistant who is otherwise qualified as provided in this chapter, and who receives a passing grade, as established by the board, on the examination shall be issued a certificate of approval.

2655.6. Reexamination

Any applicant for approval as a physical therapist assistant who fails to pass the examination given by the board may take another examination and shall pay the reexamination fee.

2655.7. Practice Authorized

Notwithstanding Section 2630, a physical therapist assistant may assist in the provision of physical therapy service provided the assistance is rendered under the supervision of a physical therapist licensed by the board.

2655.71. Alternative Requirements

(a) An applicant may be issued an approval as a physical therapist assistant without written examination if he or she meets all of the following requirements:

(1) He or she is at the time of application approved, licensed, or registered as a physical therapist assistant in a state, district, or territory of the United States having, in the opinion of the board, requirements for approval, licensing, or registration equal to or higher than those in California, and he or she has passed, to the satisfaction of the board, an examination for that approval, licensing or registration that is, in the opinion of the board, comparable to the examination used in this state.

(2) He or she is a graduate of a physical therapist assistant education program approved by the board or has graduated from a program determined by the board to be equivalent, or as meeting the evaluative criteria for accreditation by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.

(3) He or she files an application as provided in Section 2655.3.

(b) An applicant who has filed a physical therapist assistant application for the first time may assist in the provision of physical therapy in accordance with Section 2655.91.

2655.8. Violation a Misdemeanor

Any person, other than one who has been approved by the board, who holds himself or herself out as a "physical therapist assistant" or who uses any other term indicating or implying that he or she is a physical therapist assistant, is guilty of a misdemeanor.

2655.9. Approved Programs

(a) The board shall approve each physical therapist assistant education program that proves to the satisfaction of the board that it complies with criteria for approval of those programs set forth in this section and established by the board. These criteria may be based upon the standards and curriculum guidelines for a physical therapist assistant education program as promulgated by the American Physical Therapy Association or an essentially equivalent organization.

(b) Except as otherwise provided in this chapter, each applicant for approval as a physical therapist assistant shall be a graduate of an accredited postsecondary institution or institutions and shall have completed both the academic and clinical experience required by the physical therapist assistant program, and have been awarded the associate degree.

(c) The curriculum shall consist of a combination of basic sciences, applied clinical sciences, and progressive application through clinical experience. The curriculum shall reflect education in the skills and judgment required of the physical therapist assistant in the contemporary performance of physical therapy through an organized sequence of integrated learning experiences.

(1) The basic sciences shall include, at a minimum, human anatomy and physiology, physical or health sciences, and social or behavioral sciences.

(2) The applied clinical sciences shall include neurology, normal and pathological kinesiology, normal and abnormal growth and development, gerontology, orthopedic disorders, and fundamentals of physical therapy including the economic, legal, and ethical aspects of practice. Clinical studies shall also provide laboratory experiences in simulated patient treatment including the observation, measurement, and reporting of a patient's physiologic state and effectiveness of the treatment relative to the goals established by the physical therapist's evaluation.

(3) The clinical experience shall include physical therapy treatments of patients of varying ages, disabilities, and diseases. This experience shall occur in a variety of practice settings allowing for interaction with health care professionals. Clinical experience shall include daily written and verbal communication with the supervising physical therapist to report each patient's treatment program relative to the treatment goals and to discuss adjustments in the treatment program and discharge plan.

2655.91. Graduate Practice

Every graduate of an approved physical therapist assistant education program who has filed a complete physical therapist assistant application with the board for the first time may, following receipt of a letter of authorization to perform as a "physical therapist assistant applicant" from the board, assist in the provision of physical therapy under the direct and immediate supervision of a licensed physical therapist pending the results of the first examination administered for which he or she is eligible following graduation from an approved physical therapist assistant education program. If the applicant passes the examination, the physical therapist assistant applicant status shall remain in effect until a regular renewable approval is issued, or approval is denied, by the Board. If the applicant fails the examination, or if he or she passes the examination but approval is denied, the applicant shall be prohibited from performing as a physical therapist assistant applicant at any time in the future. During this period the applicant shall identify himself or herself only as a "physical therapist assistant applicant."

If a person assisting in the provision of physical therapy pursuant to this section fails to take the next succeeding examination without due cause or fails to pass the examination or receive approval, all privileges under this section shall terminate upon notice by certified mail, return receipt requested. An applicant may only qualify once to perform as a physical therapist assistant applicant. A student is not eligible to work as a physical therapist assistant applicant until successful completion of the clinical experience required for graduation from the program.

2655.92. Regulations

The board may adopt regulations as reasonably necessary to carry out the purposes of this article. The board shall adopt a regulation formulating a definition of the term "adequate supervision" as used in this article.

2655.93. Physical Therapist Assistant Applicant

(a) If the Board uses computer administered testing for the administration of the examination, this section shall apply and Section 2655.91 shall not apply.

(b) Every graduate of an approved physical therapist assistant education program who has filed a complete application with the Board for the first time, may, following receipt of a letter of authorization to take the examination and perform as a "physical therapist assistant applicant," assist in the provision of physical therapy under the direct and immediate supervision of a physical therapist licensed in this state, for 90 days pending the results of the first examination administered. During this period, the applicant shall identify himself or herself only as a "physical therapist assistant applicant." If the applicant passes the examination, the physical therapist assistant applicant status shall remain in effect until a regular renewable approval is issued, or approval is denied, by the Board.

(c) A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internships required for graduation from the program.

(d) If the applicant fails to take the examination within 90 days or fails to pass the examination or receive approval, all privileges under this section shall terminate. An applicant may only qualify once to perform as a physical therapist assistant applicant.

ARTICLE 5. SUSPENSION, REVOCATION AND REINSTATEMENT OF LICENSE

2660. Disciplinary Action

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon, or issue subject to terms and conditions any license, certificate, or approval issued under this chapter for any of the following causes:

- (a) Advertising in violation of Section 17500.
- (b) Fraud in the procurement of any license under this chapter.
- (c) Procuring or aiding or offering to procure or aid in criminal abortion.
- (d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.
- (e) Impersonating or acting as a proxy for an applicant in any examination given under this chapter.
- (f) Habitual intemperance.
- (g) Addiction to the excessive use of any habit-forming drug.
- (h) Gross negligence in his or her practice as a physical therapist.
- (i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.
- (j) The aiding or abetting of any person to violate this chapter or any regulations duly adopted under this chapter.
- (k) The aiding or abetting of any person to engage in the unlawful practice of physical therapy.
- (l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist.
- (m) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Health Services developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, regulations, and guidelines pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, Hepatitis B, and other blood-borne pathogens in health care settings. As necessary, the board shall consult with the Medical Board of California, the California Board of Podiatric Medicine, the Board of Dental Examiners of California, the Board of Registered Nursing, and the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, to encourage appropriate consistency in the implementation of this subdivision.

The board shall seek to ensure that licensees are informed of the responsibility of licensees and others to follow infection control guidelines, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission of blood-borne infectious diseases.

2660.1. Sexual Activity

A patient, client, or customer of a licensee under this chapter is conclusively presumed to be incapable of giving free, full, and informed consent to any sexual activity which is a violation of Section 726.

2661. Conviction of Crime

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

2661.5. Recovery of Investigation and Prosecution Costs

(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of the assessed costs specified in the proposed decision.

(c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license or approval of any person who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license or approval of any person who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period for those unpaid costs.

(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct.

2661.7. License Reinstatement

(a) A person whose license or approval has been revoked or suspended, or who has been placed on probation, may petition the Physical Therapy Board of California for reinstatement or modification of penalty, including modification or termination of probation, after a period of not less than the following minimum periods has elapsed from the effective date of the decision ordering that disciplinary action:

(1) At least three years for reinstatement of a license or approval revoked for unprofessional conduct, except that the board may, for good cause shown, specify in a revocation order that a petition for reinstatement may be filed after two years.

(2) At least two years for early termination of probation of three years or more.

(3) At least one year for modification of a condition, or reinstatement of a license or approval revoked for mental or physical illness, or termination of probation of less than three years.

(b) The petition shall state any facts as may be required by the board. The petition shall be accompanied by at least two verified recommendations from physical therapists licensed by the board who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed.

(c) The petition may be heard by the board. The board may assign the petition to an administrative law judge designated in Section 11371 of the Government Code. After a hearing on the petition, the administrative law judge shall provide a proposed decision to the board that shall be acted upon in accordance with the Administrative Procedure Act.

(d) The board, or the administrative law judge hearing the petition, may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the license was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability. The hearing may be continued, as the administrative law judge designated in Section 11371 of the Government Code finds necessary.

(e) The administrative law judge designated in Section 11371 of the Government Code when hearing a petition for reinstating a license or approval, or modifying a penalty, may recommend the imposition of any terms and conditions deemed necessary.

(f) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the person. The board may deny, without a hearing or argument, any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

(g) Nothing in this section shall be deemed to alter Sections 822 and 823.

ARTICLE 5.5 DIVERSION PROGRAM

2662. Legislative Intent

It is the intent of the Legislature that the board shall seek ways and means to identify and rehabilitate physical therapists and physical therapist assistants whose competency is impaired due to abuse of dangerous drugs or alcohol so that they may be treated and returned to the practice of physical therapy in a manner which will not endanger the public health and safety.

2663. Diversion Evaluation Committee

The board shall establish and administer a diversion program for the rehabilitation of physical therapists and physical therapist assistants whose competency is impaired due to the abuse of drugs or alcohol. The board may contract with any other state agency or a private organization to perform its duties under this article. The board may establish one or more diversion evaluation committees to assist it in carrying out its duties under this article.

2664. Composition

(a) Any diversion evaluation committee established by the board shall have at least three members. In making appointments to a diversion evaluation committee, the board shall consider the appointment of persons who are either recovering from substance abuse and have been free from substance abuse for at least three years immediately prior to their appointment or who are knowledgeable in the treatment and recovery of substance abuse. The board also shall consider the appointment of a physician and surgeon who is board certified in psychiatry.

(b) Appointments to a diversion evaluation committee shall be by the affirmative vote of a majority of members appointed to the board. Each appointment shall be at the pleasure of the board for a term not to exceed four years. In its discretion, the board may stagger the terms of the initial members so appointed.

(c) A majority of the members of a diversion evaluation committee shall constitute a quorum for the transaction of business. Any action requires an affirmative vote of a majority of those members present at a meeting constituting at least a quorum. Each diversion evaluation committee shall elect from its membership a chairperson and a vice chairperson. Notwithstanding the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), relating to public meetings, a diversion evaluation committee may convene in closed session to consider matters relating to any physical therapist or physical therapist assistant applying for or participating in a diversion program, and a meeting which will be convened entirely in closed session need not comply with Section 11125 of the Government Code. A diversion evaluation committee shall only convene in closed session to the extent it is necessary to protect the privacy of an applicant or participant. Each member of a diversion evaluation committee shall receive a per diem and shall be reimbursed for expenses as provided in Section 103.

2665. Duties and Responsibilities

Each diversion evaluation committee has the following duties and responsibilities:

(a) The evaluation of physical therapists and physical therapist assistants who request participation in the program and the consideration of any recommendations from professional consultants on the admission of applicants to the diversion program.

(b) The review and designation of treatment facilities to which physical therapists and physical therapist assistants in the diversion program may be referred.

(c) The receipt and review of information concerning physical therapists and physical therapist assistants participating in the program.

(d) Calling meetings as necessary to consider the requests of physical therapists and physical therapist assistants to participate in the diversion program, to consider reports regarding participants in the program, and to consider any other matters referred to it by the board.

(e) The consideration of whether each participant in the diversion program may with safety continue or resume the practice of physical therapy.

(f) Setting forth in writing a treatment program for each participant in the diversion program with requirements for supervision and surveillance.

(g) Holding a general meeting at least twice a year, which shall be open and public, to evaluate the diversion program's progress, to prepare reports to be submitted to the board, and to suggest proposals for changes in the diversion program.

(h) For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, any member of a diversion evaluation committee shall be considered a public employee. No board or diversion evaluation committee member, contractor, or agent thereof, shall be liable for any civil damage because of acts or omissions which may occur while acting in good faith in a program established pursuant to this article.

2666. Criteria for Acceptance

(a) Criteria for acceptance into the diversion program shall include all of the following:

- (1) The applicant shall be licensed as a physical therapist or approved as a physical therapist assistant by the board and shall be a resident of California.
 - (2) The applicant shall be found to abuse dangerous drugs or alcoholic beverages in a manner which may affect his or her ability to practice physical therapy safely or competently.
 - (3) The applicant shall have voluntarily requested admission to the program or shall be accepted into the program in accordance with terms and conditions resulting from a disciplinary action.
 - (4) The applicant shall agree to undertake any medical or psychiatric examination ordered to evaluate the applicant for participation in the program.
 - (5) The applicant shall cooperate with the program by providing medical information, disclosure authorizations, and releases of liability as may be necessary for participation in the program.
 - (6) The applicant shall agree in writing to cooperate with all elements of the treatment program designed for him or her. Any applicant may be denied participation in the program if the board, its designee, or a diversion evaluation committee, as the case may be, determines that the applicant will not substantially benefit from participation in the program or that the applicant's participation in the program creates too great a risk to the public health, safety, or welfare.
- (b) A participant may be terminated from the program for any of the following reasons:
- (1) The participant has successfully completed the treatment program.
 - (2) The participant has failed to comply with the treatment program designated for him or her.
 - (3) The participant fails to meet any of the criteria set forth in subdivision (a) or (c).
 - (4) It is determined that the participant has not substantially benefitted from participation in the program or that his or her continued participation in the program creates too great a risk to the public health, safety, or welfare. Whenever an applicant is denied participation in the program or a participant is terminated from the program for any reason other than the successful completion of the program, and it is determined that the continued practice of physical therapy by that individual creates too great a risk to the public health, safety, and welfare, that fact shall be reported to the executive officer of the board and all documents and information pertaining to and supporting that conclusion shall be provided to the executive officer. The matter may be referred for investigation and disciplinary action by the board. Each physical therapist or physical therapy assistant who requests participation in a diversion program shall agree to cooperate with the recovery program designed for him or her. Any failure to comply with that program may result in termination of participation in the program.
- The diversion evaluation committee shall inform each participant in the program of the procedures followed in the program, of the rights and responsibilities of a physical therapist or physical therapist assistant in the program, and the possible results of noncompliance with the program.
- (c) In addition to the criteria and causes set forth in subdivision (a), the board may set forth in its regulations additional criteria for admission to the program or causes for termination from the program.

2667. Confidentiality of Records

All board and diversion evaluation committee records and records of proceedings and participation of a physical therapist or physical therapist assistant in a program shall be confidential and are not subject to discovery or subpoena.

2668. Participation Fee

- (a) A fee not to exceed one hundred dollars (\$100) may be charged for participation in the program.
- (b) If the board contracts with any other entity to carry out this section, the executive officer of the board, or his or her designee, shall review the activities and performance of the contractor on a biennial basis. As part of this review, the board shall review files of participants in the program. However, the names of participants who entered the program voluntarily shall remain confidential, except when the review reveals misdiagnosis, case mismanagement, or noncompliance by the participant.

2669. Participation Not a Defense

Participation in a diversion program shall not be a defense to any disciplinary action which may be taken by the board. This section does not preclude the board from commencing disciplinary action against a physical therapist or physical therapist assistant who is terminated unsuccessfully from the program under this section. That disciplinary action may not include as evidence any confidential information.

ARTICLE 6. OFFENSES AND ENFORCEMENT

2670. Violation a Misdemeanor

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment in a county jail not exceeding six months, or by both.

2672. Injunctions

Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY this chapter, the superior court of any county, on application of the Medical Board of California, the board, or 10 or more persons holding physical therapist licenses issued under this chapter, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

ARTICLE 7. FISCAL ADMINISTRATION

2680. Records

The board shall keep a record of its proceedings under this chapter, and a register of all persons licensed under it. The register shall show the name of every living licensee, his or her last known place of residence, and the date and number of his or her license as a physical therapist. The board shall compile a list of physical therapists authorized to practice physical therapy in the state. Any interested person is entitled to obtain a copy of that list upon application to the board and payment of such amount as may be fixed by the board which amount shall not exceed the cost of the list so furnished.

2681. Reports

Within 10 days after the beginning of each calendar month the board shall report to the State Controller the amount and source of all collections made from persons licensed or seeking to be licensed under this chapter and at the same time pay all such sums into the State Treasury, where they shall be credited to the Physical Therapy Fund.

2682. Fund

There is in the State Treasury the Physical Therapy Fund. All collections from persons licensed or approved or seeking to be licensed or approved shall be paid by the board into the fund after reporting to the Controller at the beginning of each month the amount and source of the collections. All money in the Physical Therapy Fund is appropriated to carry out the purposes of this chapter.

2683. Expiration and Renewal of Licenses

Except as provided in Section 2684, the provisions of Article 19 (commencing with Section 2420) of Chapter 5 apply to the issuance and govern the expiration and renewal of licenses issued under this chapter.

2684. Expiration and Renewal of Licenses

(a) Notwithstanding Section 2422, any license or approval for the practice of physical therapy shall expire at 12 midnight on the last day of the birth month of the licensee or holder of an approval during the second year of a two-year term, if not renewed.

(b) To renew an unexpired license or approval, the licensee or the holder of an approval shall, on or before the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board and pay the prescribed renewal fee.

2685. Notice to Licensee

At least 60 days before the expiration of any license or approval, the board shall mail to each licensee under this chapter, at the latest address furnished by the licensee to the executive officer, a notice stating the amount of the renewal fee and the date on which it is due, and that failure to pay it on or before the due date will result in expiration of the license.

2687. Fees, Fines and Forfeitures

All fees earned by the board and all fines and forfeitures of bail to which the board is entitled shall be reported at the beginning of each month, for the month preceding, to the State Controller. At the same time, the entire amount of these collections shall be paid into the State Treasury and shall be credited to the Physical Therapy Fund.

This fund shall be for the uses of the board and is continuously appropriated to the board to pay all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this chapter.

2688. Fee Schedule (Text of section operative until Jan. 1, 1999.)

The amount of fees provided in connection with licenses or approvals for the practice of physical therapy is as follows:

(a) The application fee for a physical therapist's license shall be established by the board at not more than seventy-five dollars (\$75). The application fee for an applicant under Section 2653 shall be established by the board at not more than one hundred twenty-five dollars (\$125).

(b) The examination and reexamination fees for the physical therapist examination, physical therapist assistant examination, and the examination to demonstrate knowledge of the rules and regulations related to the practice of physical therapy shall be the actual cost to the board of the development and writing of, or purchase of the examination, and grading of each written examination, plus the actual cost of administering each examination.

(c) The initial license fee for a physical therapist license shall be one hundred twenty dollars (\$120), unless a lower fee is established by the board after January 1, 1997.

(d) The renewal fee for a physical therapist license shall be one hundred twenty dollars (\$120), unless a lower fee is established by the board after January 1, 1997.

(e) A fee to be set by the board of not more than seventy-five dollars (\$75) shall be charged for each application for approval as a physical therapist assistant.

(f) A fee of one hundred twenty dollars (\$120) shall be charged for the issuance of and for the renewal of each approval as a physical therapist assistant, unless a lower fee is established by the board after January 1, 1997.

(g) Notwithstanding Section 163.5, the delinquency fee shall be 50 percent of the renewal fee in effect.

(h) The duplicate wall certificate fee shall not exceed twenty dollars (\$20). The duplicate renewal receipt fee shall not exceed twenty dollars (\$20).

(i) The endorsement or letter of good standing fee is thirty dollars (\$30).

(j) This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 1999, deletes or extends that date.

2688. Fee Schedule (Text of section operative Jan. 1, 1999.)

The amount of fees provided in connection with licenses or approvals for the practice of physical therapy is as follows:

(a) The application fee for a physical therapist's license shall be established by the board at not more than seventy-five dollars (\$75). The application fee for an applicant under Section 2653 shall be established by the board at not more than one hundred twenty-five dollars (\$125).

(b) The examination and reexamination fees for the physical therapist examination, physical therapist assistant examination, and the examination to demonstrate knowledge of the rules and regulations related to the practice of physical therapy shall be the actual cost to the board of the development and writing of, or purchase of the examination, and grading of each written examination, plus the actual cost of administering each examination.

(c) The initial license fee for a physical therapist license shall be fixed by the board at not more than one hundred fifty dollars (\$150).

(d) The renewal fee for a physical therapist license shall be fixed by the board at not more than one hundred fifty dollars (\$150).

(e) A fee to be set by the board of not more than seventy-five dollars (\$75) shall be charged for each application for approval as a physical therapist assistant.

(f) A fee to be set by the board of not more than one hundred fifty dollars (\$150) shall be charged for the issuance of and for the renewal of each approval as a physical therapist assistant.

(g) Notwithstanding Section 163.5, the delinquency fee shall be 50 percent of the renewal fee in effect.

(h) The duplicate wall certificate fee shall not exceed twenty dollars (\$20). The duplicate renewal receipt fee shall not exceed twenty dollars (\$20).

(i) The endorsement or letter of good standing fee is thirty dollars (\$30).

(j) The amount of any fee established by statute or by the board pursuant to statutory authority that is in effect when this section becomes operative on January 1, 1999, pursuant to subdivision (k), shall remain in effect after that operative date, unless the board establishes a fee amount that is less or greater than the previously established fee amount as permitted by law.

(k) This section shall become operative on January 1, 1999.

2688.5. Report to the Legislature

The board shall submit a report to the fiscal and appropriate policy committees of the legislature whenever the board increases any fee. The report shall specify the justification for the increase and the percentage of the fee increase to be used for enforcement purposes.

2689. Special Certification Fees

(a) The board may establish by regulation suitable application and renewal fees of not more than two hundred dollars (\$200), for persons certified to perform electromyographical testing pursuant to Section 2620.5, based upon the cost of operating the certification program. The application fee shall be paid by the applicant at the time the application is filed and the renewal fee shall be paid as provided in Section 2683.

(b) The board shall charge an examination and reexamination fee of five hundred dollars (\$500) to applicants who are examined and who have been found to otherwise meet the board's standards for certification.

ARTICLE 8. PHYSICAL THERAPY CORPORATIONS

2690. Definition

A physical therapy corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are physical therapists are in compliance with the Moscone-Knox Professional Corporation Act, this article and all other statutes and regulations now or hereafter enacted or adopted pertaining to the corporation and the conduct of its affairs.

With respect to a physical therapy corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Physical Therapy Board of California.

2691. Unprofessional Conduct

It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate any provision or term of this article, the Moscone-Knox Professional Corporation Act, or any regulations duly adopted under those laws.

2692. Unprofessional Conduct

A physical therapy corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute or regulation, now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes and regulations to the same extent as a person holding a license under this chapter.

2693. Corporation Name

The name of a physical therapy corporation and any name or names under which it may render professional services shall contain the words "physical therapy" or "physical therapist", and wording or abbreviations denoting corporate existence.

2694. Directors and Officers

Except as provided in Section 13403 of the Corporations Code, each shareholder, director and officer of a physical therapy corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in Section 13401 of the Corporations Code.

2695. Income

The income of a physical therapy corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of such shareholder or his or her shares in the physical therapy corporation.

2696. Regulations

The board may adopt and enforce regulations to carry out the purposes and objectives of this article, including regulations requiring (a) that the bylaws of a physical therapy corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person (as defined in Section 13401 of the Corporations Code), or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within the time as the regulations may provide, and (b) that a physical therapy corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

1398. Citation.

This regulation may be cited and referred to as "Physical Therapy Regulations."

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2615, Business and Professions Code. History:

1. Repealer of Subchapter 13.2 (Sections 1398-1399.73, not consecutive) and new Subchapter 13.2 (Sections 1398-1399.52 not consecutive) filed 5-20-77; effective thirtieth day thereafter (Register 77, No. 21).
2. Amendment of Note filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
3. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.1. Location of Office.

The principal office of the Physical Therapy Board of California is located at 1430 Howe Avenue, Sacramento, California 95825.

Note: Authority cited: Sections 2615, 2655.11, Business and Professions Code. Reference: Section 2602, Business and Professions Code.

1398.3. Definitions.

Unless the context otherwise requires, for the purpose of the regulations contained in this chapter,

- (a) "Board" means the Physical Therapy Board of California;
- (b) "Code" means the Business and Professions Code;
- (c) "The Physical Therapy Practice Act" consists of Chapter 5.7, of Division 2, of the Business and Professions Code.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2615, Business and Professions Code. History:

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.4. Delegation of Functions.

Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act (Section 11500 et seq. of the Government Code), the board delegates and confers upon the executive officer of the board, or in his or her absence, the chairperson of the board, or in his or her absence, the vice-chairperson of the board, all functions necessary to the dispatch of business of the board in connection with investigative and administrative proceedings under the jurisdiction of the board.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2608 and 2614, Business and Professions

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
2. Amendment filed 11-16-92; operative 12-16-92 (Register 92, No. 47).

1398.5. Continuation of Existing Regulations.

Note: Authority cited: Section 2615, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.6. Filing of Addresses.

(a) Each licensee shall report to the board each and every change of residence address within 30 days after each change, giving both the old and new address. In addition to the address of residence, a licensee may provide the board with an alternate address of record. If an alternate address is the licensee's address of record, he or she may request that the residence address not be disclosed to the public.

(b) Each licensee shall report to the board each and every change of name within 30 days after each change, giving both the old and new names.

(c) For purposes of this section, "licensee" includes any holder of an active, delinquent, suspended or expired license, approval, certification or other authorization issued by the board to practice physical therapy or electromyography which is not canceled or revoked.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.12, 2683 and 2685, Business and Professions Code.

History

1. Amendment of NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Amendments filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.10. Advertising.

A physical therapist may advertise the provision of any services authorized to be provided by a physical therapy license. Such advertising shall be in a manner authorized by Section 651 of the Code so long as such advertising does not promote the excessive or unnecessary use of such services.

Note: Authority cited: Sections 651 and 2615, Business and Professions Code. Reference: Sections 651 and 2660, Business and Professions Code.

History

1. New section filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

ARTICLE 2. APPLICATIONS AND EXAMINATIONS

1398.20. Date and Place of Filing.

Completed applications for all licenses, approvals, and certifications shall be filed in the office of the board in Sacramento at least sixty (60) days prior to the date of the examination.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2632, 2634, 2635 and 2653, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27.)
2. Amendment filed 5-15-91; operative 6-14-91 (Register 91, No. 26).

1398.21. Abandonment of Applications.

An application shall be denied without prejudice when, in the discretion of the board, an applicant does not exercise due diligence in the completion of his or her application, in furnishing additional information or documents requested in or in the payment of any required fees.

Note: Specific reference: Sections 2602, 2632, 2634, 2635, 2636, 2639 and 2655.75, Business and Professions Code.

History

1. New section filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).

1398.21.1. Failure to Pass the Examination.

An application for licensure or approval shall be deemed denied without prejudice when an applicant fails to pass the examination within one year from the date of the original notice to appear for the examination. To reapply, the applicant is then required to file a

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY
new application for licensure or approval, to pay the application fee specified in Section 1399.50(a), 1399.50(b) or 1399.52(a) as applicable, and to comply with all laws and regulations in effect at the time of filing. In addition the applicant is required to apply for reexamination and to pay the applicable reexamination fee specified in Section 1399.50(c) or 1399.52(b).

Note: Authority cited: Sections 2615 and 2655.92, Business and Professions Code. Reference: Sections 2632, 2634, 2635, 2636, 2638, 2639, 2655.3, 2655.4, 2655.6, 2655.91 and 2655.92, Business and Professions Code.

History

1. New section filed 11-20-95; operative 12-20-95 (Register 95, No. 47).

1398.22. Failure to Appear for Examination -Withdrawal of Application.

An applicant for examination who, without a reason satisfactory to the board , fails to appear for two written or two oral examinations shall have his or her application withdrawn. Should the applicant subsequently decide to take the examination, he or she shall be required to file an updated application and pay 50% of the current application fee.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2588, 2602, 2636, 2639 and 2655.4, Business and Professions Code.

History

1. New section filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).

2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.23. Failure to Pay Initial License Fee.

An application shall be deemed to have been abandoned and any examination taken not passed if an applicant fails to pay the initial license fee within five years after notification by the board . An applicant whose application has been deemed abandoned may again be eligible for licensure upon re- examination and the filing of an updated application with the current application fee.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.4 and 2688, Business and Professions Code.

History

1. New section filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).

2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.24. Review of Physical Therapist Applications; Processing Time.

(a) The board shall inform an applicant for licensure as a physical therapist who has graduated from an approved physical therapy school within 14 days whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The board shall inform an applicant for licensure as a physical therapist who has graduated from an approved physical therapy school within 60 days after completion of the application, of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended by that time necessary for retaking or rescheduling an examination.

(c) The minimum, median and maximum processing time for an application for licensure as a physical therapist who has graduated from an approved physical therapy school from the time of receipt of the initial application until the board makes a final decision on the application are:

(1) Minimum -46 days

(2) Median -88 days

(3) Maximum -372 days

These processing times apply to those applicants who take and pass the first available licensing examination.

Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2632, Business and Professions Code; and Section 15376, Government Code.

History

1. Renumbering of former Section 1398.24 to Section 1398.26 and new Section 1398.24 filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37).

1398.25. Credentials Evaluation Services.

In accordance with Section 2653 of the code, the board will accept reports from credentials evaluation services which meet all of the following criteria:

(a) The service retains the services of a physical therapist consultant(s) who is licensed as a physical therapist in a state or territory of the United States and is used in an advisory capacity to review individual cases for comparability to the educational and training requirements of Section 2650 of the code for hours and content.

(b) The service is able to document the experience of its employees by producing positive letters of reference from other state licensing agencies, educational institutions or professional organizations.

(c) The service is able to submit a report to the board that shall be based on a review of original documentation of an applicant's credentials and shall document the following:

(1) The equivalent professional degree the foreign applicant would have received from an accredited physical therapist education program located in the United States.

(2) Whether completion of the foreign applicant's physical therapist education and training entitles the foreign applicant to practice as a physical therapist in the country where the education and training was completed.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650 and 2653, Business and Professions Code.

History

1. New section filed 8-22-77; effective thirtieth day thereafter (Register 77, No. 35).
2. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
3. New section filed 8-31-84; effective thirtieth day thereafter (Register 84, No. 35).
4. New subsections (c)-(c)(2) filed 9-9-94; operative 10-10-94 (Register 94, No. 36).

1398.26. Applications of Foreign Graduates.

(a) Persons applying under Section 2653 of the code shall submit with their application a legible copy of the diploma conferred upon them, and a complete transcript of the resident course of professional instruction completed which has been authenticated by the proper official of the school. Credentials submitted in a language other than English shall be accompanied by an original translation certified by a qualified translator other than the applicant.

(b) Where because of circumstances beyond his or her control an applicant is unable to furnish any of the credentials required under subsection (a) above, the board may in its discretion accept other documents which it deems sufficient to establish the applicant's eligibility.

(c) Within fifteen (15) days after completion of each three (3) months of such period of clinical service the supervisor shall submit to the board on a form provided by it a quarterly report and evaluation of the applicant's performance during the preceding three months. In the report the supervisor may recommend that the remaining period of clinical service be waived as to the applicant. The supervisor's recommendation shall not be binding upon the board. Such recommendations shall be supported by sufficient information as to the applicant's performance as will enable the board to determine whether the remaining period of clinical service may be waived.

(d) The board may waive all or part of the required period of clinical service if it finds the applicant has completed a period of clinical service equivalent to that required by Section 2653 of the code. Such clinical service shall be certified by at least one supervisor who is a physical therapist licensed by the board, or by a physical therapy licensing authority in another jurisdiction, and who is accepted by the board. The board may also waive the required period of clinical service if it finds the applicant is licensed and has been practicing in another state for a sufficient period of time to demonstrate the clinical competence required for practice in this state.

Note: Authority cited: Sections 2615 and 2653, Business and Professions Code. Reference: Section 2653, Business and Professions Code.

History

1. Amendment of subsection (g) filed 5-10-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
3. Renumbering of former Section 1398.24 to Section 1398.26 filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37).

1398.27. Review of Foreign-Trained Physical Therapist Applications; Processing Time.

(a) The board shall inform an applicant for licensure as a physical therapist who has graduated from a foreign physical therapy school within 40 days whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The board shall inform an applicant for licensure, a physical therapist who has graduated from a foreign physical therapy school within 350 days after completion of the application, of its decision whether the applicant meets the requirements for licensure.

"Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended by that time necessary for retaking or rescheduling an examination or if the applicant is delayed in obtaining or completing any required clinical service.

(c) The minimum, median and maximum processing time for an application for licensure as a physical therapist who has graduated from a foreign physical therapy school from the time of receipt of the initial application until the board makes a final decision on the application are:

- (1) Minimum -95 days
- (2) Median -400 days
- (3) Maximum -550 days

These processing times apply to those applicants who take and pass the first available licensing examination.

Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2632, Business and Professions Code; and Section 15376, Government Code.

History

1. New section filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37).

1398.28. Written Examination.

(a) The uniform examination utilized by the board for the licensure of physical therapists is the examination for physical therapists

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY prepared by the Professional Examination Service.

(b) The uniform examination utilized by the board for the approval of physical therapist assistants is the examination for physical therapist assistants prepared by the Professional Examination Service.

Note: Authority cited: Sections 851 and 2615, Business and Professions Code. Reference: Sections 851, 2605, 2636, 2636.1 and 2655.4, Business and Professions Code.

History

1. Amendment filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Repealer of subsection (c) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
3. Amendment of subsections (a) and (b) filed 4-20-90; operative 5-20-90 (Register 90, No. 21).

ARTICLE 3. PHYSICAL THERAPY SCHOOLS

1398.30. Approved Physical Therapy Schools.

Only those schools which meet the requirements set forth in Section 1398.31 shall be approved by the board for professional education in physical therapy. The executive officer shall maintain on file at the board's Sacramento office a list of approved schools.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2635, 2650 and 2651, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.31. Criteria for Approval of Physical Therapy Schools.

(a) Physical therapy educational programs shall be established in post-secondary educational institutions accredited by a national association or agency recognized by the Council on Post Secondary Accreditation and/or the U.S. Department of Education.

(b) The physical therapy educational program shall be accredited by the agency or organization recognized by the Council on Post Secondary Accreditation or the U.S. Department of Education.

(c) Teaching programs of not less than 1400 hours duration also may be established in hospitals for students whose preliminary education meets the requirements of Section 2650 of the code, providing the physical therapy education program is accredited as set forth in subsection (b).

(d) Nothing in this section shall be construed to prevent the board from approving a school or training program which is not approved or from not approving a school or training program which is approved by one of the above-mentioned entities.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2635, 2650 and 2651, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.32. Services and Facilities.

Note: Authority cited: Section 2615, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.33. Faculty.

Note: Authority cited: Section 2615, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.34. Curriculum.

Note: Authority cited: Section 2615, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.37. Identification of Students and Interns.

(a) When rendering physical therapy services as part of academic training, a physical therapy student shall only be identified as a "physical therapy student." A person who has completed the required academic course work may be identified as a "physical therapy intern" when rendering physical therapy services.

(b) When rendering physical therapy services, the required identification shall be clearly visible.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2650.1, Business and Professions Code.

History

1. New section filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.38. Criteria for Approval of Facilities for Physical Therapy Service by Foreign Graduates.

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY Pursuant to Section 2653 of the code in order to be approved for the service of foreign physical therapy graduates who will be candidates for examination in licensure as physical therapists in this state, each physical therapy facility shall maintain:

- (a) An established physical therapy department with a licensed physical therapist in charge thereof;
- (b) A staff adequate in size and experience to provide a minimum of one supervisor to each applicant;
- (c) Space, equipment and patient load adequate to provide suitable experience in and demonstration of clinical applications of the procedures and physical therapy subjects specified in Section 2650, subsection (b), of the code; and
- (d) Adequate patient or other records to reflect the applicant's clinical experience and training in patient management and educational experience.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650 and 2653, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

ARTICLE 4. PHYSICAL THERAPIST ASSISTANT

1398.40. Definitions.

For the purpose of the regulations contained in this article,

- (a) "supervisor" means a physical therapist licensed by the board;
- (b) "assistant" means a physical therapist assistant who has been approved by the board .

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655, Business and Professions Code.

History

1. Amendment filed 10-19-83; effective thirtieth day thereafter (Register 83, No. 43).

1398.41. Applications for Approval as an Assistant.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.42. Review of Physical Therapist Assistant Applications; Processing Time.

(a) The board shall inform an applicant for approval as a physical therapist assistant within 14 days whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The board shall inform an applicant for approval as a physical therapist assistant within 85 days after completion of the application, of its decision whether the applicant meets the requirements for approval. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended by that time necessary for retaking or rescheduling an examination.

(c) The minimum, median and maximum processing time for an application for approval as a physical therapist assistant from the time of receipt of the initial application until the board makes a final decision on the application are:

- (1) Minimum -67 days
- (2) Median -127 days
- (3) Maximum -166 days

These processing times apply to those applicants who take and pass the first available examination.

Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2655.3, Business and Professions Code; and Section 15376, Government Code.

History

1. Repealer and new section filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37).

1398.43. Qualifications of Supervisor.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.1 and 2655.2, Business and Professions Code.

History

1. Repealer filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37).

1398.44. Adequate Supervision Defined.

A licensed physical therapist shall at all times be responsible for all physical therapy services provided by the physical therapist assistant. The supervising physical therapist has continuing responsibility to follow the progress of each patient, provide direct care to the patient and to assure that the physical therapist assistant does not function autonomously. Adequate supervision shall include all of the following:

(a) The supervising physical therapist shall be readily available in person or by telecommunication to the physical therapist assistant at all times while the physical therapist assistant is treating patients. The supervising physical therapist shall provide periodic on site supervision and observation of the assigned patient care rendered by the physical therapist assistant.

(b) The supervising physical therapist shall initially evaluate each patient and document in the patient record, along with his or her signature, the evaluation and when the patient is to be reevaluated.

(c) The supervising physical therapist shall formulate and document in each patient's record, along with his or her signature, the treatment program goals and plan based upon the evaluation and any other information available to the supervising physical therapist. This information shall be communicated verbally, or in writing by the supervising physical therapist to the physical therapist assistant prior to initiation of treatment by the physical therapist assistant. The supervising physical therapist shall determine which elements of the treatment plan may be assigned to the physical therapist assistant. Assignment of these responsibilities must be commensurate with the qualifications, including experience, education and training, of the physical therapist assistant.

(d) The supervising physical therapist shall reevaluate the patient as previously determined, or more often if necessary, and modify the treatment, goals and plan as needed. The reevaluation shall include treatment to the patient by the supervising physical therapist. The reevaluation shall be documented and signed by the supervising physical therapist in the patient's record and shall reflect the patient's progress toward the treatment goals and when the next reevaluation shall be performed.

(e) The physical therapist assistant shall document each treatment in the patient record, along with his or her signature. The physical therapist assistant shall document in the patient record and notify the supervising physical therapist of any change in the patient's condition not consistent with planned progress or treatment goals. The change in condition necessitates a reevaluation by a supervising physical therapist before further treatment by the physical therapist assistant.

(f) Within seven (7) days of the care being provided by the physical therapist assistant, the supervising physical therapist shall review, cosign and date all documentation by the physical therapist assistant or conduct a weekly case conference and document it in the patient record. Cosigning by the supervising physical therapist indicates that the supervising physical therapist has read the documentation, and unless the supervising physical therapist indicates otherwise, he or she is in agreement with the contents of the documentation.

(g) There shall be a regularly scheduled and documented case conference between the supervising physical therapist and physical therapist assistant regarding the patient. The frequency of the conferences is to be determined by the supervising physical therapist based on the needs of the patient, the supervisory needs of the physical therapist assistant and shall be at least every thirty calendar days.

(h) The supervising physical therapist shall establish a discharge plan. At the time of discharge, or within 7 (seven) days thereafter, a supervising physical therapist shall document in the patient's record, along with his or her signature, the patient's response to treatment in the form of a reevaluation or discharge summary.

Note: Authority cited: Sections 2615, 2655.1 and 2655.92, Business and Professions Code. Reference: Section 2655.92, Business and Professions Code.

History

1. Repealer of subsection (f) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
2. Amendment of section and Note filed 9-18-96; operative 9-18-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 38).

1398.45. Withdrawal of Approval as a Physical Therapist Assistant.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.46. Withdrawal of Approval as a Supervisor.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.47. Equivalent Training or Experience.

(a) Training and experience considered equivalent to that obtained in an approved physical therapist assistant school shall be acquired in one of the following ways:

(1) Military training, consisting of satisfactory completion of a basic hospital corps member course and of a formal physical therapist assistant course that includes a minimum of 550 hours of technical courses relating to physical therapy, and 350 hours of supervised clinical experience. In addition, the applicant shall complete the general education requirements described in subsection (c). The applicant shall have obtained a grade of "c" or better in all formal course work to be accepted for approval as a physical therapist assistant.

(2) A combination of training and 36 months of full-time work experience in physical therapy described in subsection (b). Training shall consist of satisfactory completion of 30 semester units or 40 quarter units of instruction in a variety of the following technical areas: Human anatomy and physiology, including laboratory experience; kinesiology and topographical anatomy; first-aid; basic principles of electromagnetism, mechanics and thermodynamics, biomechanics, and massage; application of therapeutic exercise and modalities for the physically disabled; survey of pathophysiological conditions resulting from injury or disease; ethics; and laws relating to physical therapy. In addition, the applicant shall complete the general education requirements described in subsection (c). The applicant shall have obtained a grade of "c" or better in all technical course work to be accepted for approval as a physical therapist assistant. For those applicants who file an application for approval after June 30, 1996, 18 months of the work experience

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY shall be in providing patient related tasks under the orders, direction and immediate supervision of a physical therapist in an acute care inpatient facility.

(3) Sixty (60) months of full-time work experience in physical therapy described in subsection (b). For those applicants who file an application for approval after June 30, 1996, 30 months of the work experience shall be in providing patient related tasks under the orders, direction and immediate supervision of a physical therapist in an acute care inpatient facility. In addition, the applicant shall complete the general education requirements described in subsection (c).

(4) Successful completion of professional education described in subdivisions (b)(1), (b)(4), (b)(5), and (b)(8) of section 2650 of the code and of the general education requirements described in subsection (c).

(b) Work experience used to satisfy subsections (a)(2) and (a)(3) shall be obtained under the orders, direction and immediate supervision of (1) a physical therapist licensed by the board, (2) a physical therapist employed by the United States Government, or (3) an out-of-state licensed physical therapist who has qualifications equivalent to a physical therapist licensed by the board, and shall consist of assisting the supervising physical therapist in the treatment of patients of both sexes, varying ages and disabilities. Full-time work experience shall be credited on the basis of a compensated 40-hour work week, allowing for the usual and customary periods of absence. Work credit shall be given for part-time employment. The work experience shall have been obtained within ten years of the date the application for approval is filed with the board, provided that, one-half of the experience has been obtained within five years of the application.

(c) General education requirements shall consist of satisfactory completion of 15 semester units or 20 quarter units, including at least one course in each of the following areas:

- (1) Natural sciences.
- (2) Social or behavioral sciences.
- (3) Humanities.
- (4) English, speech, or mathematics.

Completion of a course in English composition which meets the Associate or Bachelor of Arts degree requirement of the college at which the course is taken, is required as part of the general education requirement, except that this subject shall not be required of those applicants who are foreign trained.

(d) Proof of completion of the general education courses in subsection (c) and of the technical courses in subsection (a)(2) shall be submitted on an official transcript. The courses may be taken at any post-secondary institution that is accredited by an agency recognized by the Council on Post- Secondary Accreditation or the U.S. Department of Education. Credit will be given for academic units given by the educational institution for equivalent experience or education as well as for the results of equivalency or proficiency examinations.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.3, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
2. Amendment of subsection (a) filed 5-15-91; operative 6-14-91 (Register 91, No. 26).
3. Editorial correction of printing error in subsection (c)(4) (Register 91, No. 26).
4. Amendment of subsections (a)(1)-(a)(3) and (b) filed 10-21-94; operative 11- 21-94 (Register 94, No. 42).

ARTICLE 5. PHYSICAL THERAPIST ASSISTANT SCHOOLS

1398.50. Approved Physical Therapist Assistant Schools.

Those schools which meet the requirements of Section 1398.51 shall be approved by the board for the training of physical therapist assistants. The executive officer shall maintain on file at the board's office a list of approved schools.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.9, Business and Professions Code.

History

1. Repealer of Article 5 (Sections 1398.50-1398.54) and new Article 5 (Sections 1398.50 and 1398.51) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.51. Criteria for Approval of Physical Therapist Assistant Schools.

(a) Physical therapist assistant training programs shall be established in post-secondary educational institutions accredited by a regional association recognized by the U.S. Department of Education or the Council on Post- Secondary Accreditation.

(b) The physical therapist assistant training program shall be accredited by the appropriate agency or organization recognized by the U.S. Department of Education or the Council on Post-Secondary Accreditation.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.9, Business and

ARTICLE 6. PHYSICAL THERAPY AIDES

1399. Requirements for Use of Aides.

A physical therapy aide is an unlicensed person who assists a physical therapist and may be utilized by a physical therapist in his or her practice by performing nonpatient related tasks, or by performing patient related tasks.

(a) As used in these regulations:

(1) A "patient related task" means a physical therapy service rendered directly to the patient by an aide, excluding nonpatient related tasks as defined below.

(2) A "nonpatient related task" means a task related to observation of the patient, transport of patients, physical support only during gait or transfer training, housekeeping duties, clerical duties and similar functions.

(b) "Under the orders, direction and immediate supervision" means:

(1) Prior to the initiation of care, the physical therapist shall evaluate every patient prior to the performance of any patient related tasks by the aide. The evaluation shall be documented in the patient's record.

(2) The physical therapist shall formulate and record in the patient's record a treatment program based upon the evaluation and any other information available to the physical therapist, and shall determine those patient related tasks which may be assigned to an aide. The patient's record shall reflect those patient related tasks that were rendered by the aide, including the signature of the aide who performed those tasks.

(3) The physical therapist shall assign only those patient related tasks that can be safely and effectively performed by the aide. The supervising physical therapist shall be responsible at all times for the conduct of the aide while he or she is on duty.

(4) The physical therapist shall provide continuous and immediate supervision of the aide. The physical therapist shall be in the same facility as and in immediate proximity to the location where the aide is performing patient related tasks, and shall be readily available at all times to provide advice or instruction to the aide. When patient related tasks are provided a patient by an aide the supervising physical therapist shall at some point during the treatment day provide direct service to the patient as treatment for the patient's condition or to further evaluate and monitor the patient's progress, and so document in the patient's record.

(5) The physical therapist shall perform periodic re-evaluation of the patient as necessary and make adjustments in the patient's treatment program. The re-evaluation shall be documented in the patient's record.

(6) The supervising physical therapist shall countersign with their first initial and last name, and date all entries in the patient's record, on the same day as patient related tasks were provided by the aide.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2630, Business and Professions Code.

History

1. Amendment of subsection (b) filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).

2. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

3. Amendment of subsections (b)(1), (b)(2), (b)(4) and (b)(5) and new subsection (b)(6) filed 10-21-94; operative 11-21-94 (Register 94, No. 42).

1399.1. Limitation on Aides Utilized.

A physical therapist shall not supervise more than one aide at any one time performing patient related tasks.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2630, Business and Professions Code.

History

1. New section filed 10-21-94; operative 11-21-94 (Register 94, No. 42).

ARTICLE 7. PRACTICE BY APPLICANTS

1399.10. Supervision.

Pursuant to Section 2639 of the code, a physical therapy license applicant whose application for registration has been filed and reviewed by the board may perform as a physical therapist if he or she is under the direct and immediate supervision of a physical therapist licensed by the board. "Direct and immediate supervision" means a supervisor shall at all times be responsible for and provide adequate supervision of the work performed by the graduate and shall be in close proximity to the location where the graduate is rendering physical therapy treatment.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2639, Business and Professions Code.

History

1. Amendment filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).

2. Amendment filed 10-19-83; effective thirtieth day thereafter (Register 83, No. 43).

1399.11. Notification of Examination Results.

Note: Authority cited: Sections 2655 and 2655.11, Business and Professions Code.

History

1. Amendment filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).

2. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.12. Physical Therapist Assistants.

Pursuant to Section 2655.10 of the code, a physical therapist assistant applicant whose application for approval has been filed and reviewed by the board may assist in the provision of physical therapy services if he or she is under the direct and immediate supervision of a physical therapist licensed by the board. "Direct and immediate" means a supervisor shall at all times be responsible for and provide adequate supervision of the work performed by the applicant and shall be in close proximity to the location where the applicant is assisting in the provision of physical therapy treatment.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.10, Business and Professions Code.

History

1. New section filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment filed 10-19-83; effective thirtieth day thereafter (Register 83, No. 43).

ARTICLE 8. DISCIPLINE AND REINSTATEMENT OF LICENSE

1399.15. Disciplinary Guidelines

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et. seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" (Revised January 31, 1997, which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrants such a deviation - for example: The presence of mitigating factors; the age of the case; evidentiary problems.

1399.20. Substantial Relationship Criteria.

For the purposes of denial, suspension or revocation of a license or approval, pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or approval under the Physical Therapy Practice Act if to a substantial degree it evidences present or potential unfitness of a person to perform the functions authorized by the license or approval in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following:

- (a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physical Therapy Practice Act.
- (b) Conviction of a crime involving fiscal dishonesty arising out of or in connection with the practice of physical therapy.
- (c) Violating or attempting to violate any provision or term of the Medical Practice Act.

Note: Authority cited: Sections 481 and 2615, Business and Professions Code. Reference: Sections 481, 2660 and 2661, Business and Professions Code.

History

1. Repealer of NOTE and new NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Amendment of Article 8 heading and section filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.21. Rehabilitation Criteria for Denial and Reinstatement of Licensure.

When considering the denial of a license, certificate, approval, or permit under Section 480 of the code or a petition for reinstatement under Section 11522 of the Government Code, the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or approval shall consider the following criteria:

- (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (b) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480.
- (c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsections (a) or (b).
- (d) The extent to which the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.
- (e) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code. Reference: Sections 482, 2660 and 2661, Business and Professions Code.

History

1. Amendment of NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.22. Rehabilitation Criteria for Suspensions or Revocations.

When considering the suspension or revocation of a license or approval on the ground that a person holding a license or approval under the Physical Therapy Practice Act has been convicted of a crime, the board in evaluating the rehabilitation of such person and his or her eligibility for a license or approval shall consider the following criteria:

- (a) The nature and severity of the act(s) or offense(s).
- (b) The total criminal record.
- (c) The time that has elapsed since commission of the act(s) or offense(s).
- (d) Whether the licensee, certificate, approval, or permit holder has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.
- (e) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (f) Evidence, if any, of rehabilitation submitted by the license, certificate, approval, or permit holder.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code. Reference: Sections 482, 2660 and 2661, Business and Professions Code.

History

- 1. Amendment of NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
- 2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.25. Administrative Citations.

(a) The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed physical therapist or physical therapist assistant of the statutes referred to in section 1399.26.

(b) A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History

- 1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).

1399.26. Amount of Fines.

The amount of any fine to be levied by the executive officer shall take into consideration the factors listed in subdivision (b)(3) of section 125.9 of the code and shall be within the range set forth below.

(a) The fine for a violation of the following provisions shall be from \$100 to \$2500:

- (1) Business and Professions Code section 651
- (2) Business and Professions Code section 2261
- (3) Business and Professions Code section 2263
- (4) Business and Professions Code section 2264
- (5) Business and Professions Code section 2273
- (6) Business and Professions Code section 2286
- (7) Business and Professions Code section 2630
- (8) Business and Professions Code section 2633
- (9) Business and Professions Code section 2655.2
- (10) Business and Professions Code section 2660(a)
- (11) Business and Professions Code section 2660(j)
- (12) Business and Professions Code section 2660(k)
- (13) Title 16 California Code of Regulations section 1398.44

(b) In her or his discretion, the executive officer may issue an order of abatement without levying a fine for the first violation of any provision set forth in subsection (a).

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History

- 1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).

1399.27. Compliance with Orders of Abatement.

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the executive officer in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When an order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation charged within the time allowed shall constitute a violation and failure to comply with the order of abatement. An order of abatement shall either be personally served or mailed by certified mail, return receipt requested. The time allowed for the abatement of

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY
a violation shall begin when the order of abatement is final and has been served or received. Such failure may result in disciplinary action being taken by the board or other appropriate judicial relief being taken against the person cited.

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History

1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).

1399.28. Citations for Unlicensed Practice.

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, partnerships, corporations or associations who are performing or who have performed services for which licensure as a physical therapist or approval as a physical therapist assistant is required under the Physical Therapy Practice Act. Each citation issued shall contain an order of abatement. Where appropriate, the executive officer shall levy a fine for such unlicensed activity in accordance with subdivision (b)(3) of section 125.9 of the code. The provisions of sections 1399.25 and 1399.27 shall apply to the issuance of citations for unlicensed activity under this subsection. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History

1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).

1399.29. Contest of Citations.

(a) In addition to requesting a hearing as provided for in subdivision (b)(4) of section 125.9 of the code, the person cited may, within ten (10) days after service or receipt of the citation, notify the executive officer in writing of his or her request for an informal conference with the executive officer regarding the acts charged in the citation. The time allowed for the request shall begin the first day after the citation has been served or received.

(b) The executive officer shall hold, within 30 days from the receipt of the request, an informal conference with the person cited or his or her legal counsel or authorized representative. At the conclusion of the informal conference the executive officer may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The executive officer shall state in writing the reasons for his or her action and serve or mail, as provided in subsection (b) of section 1399.27, a copy of his or her findings and decision to the person cited within ten days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person cited does not waive his or her request for a hearing to contest a citation by requesting an informal conference after which the citation is affirmed by the executive officer. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days in accordance with subdivision (b)(4) of section 125.9 of the code.

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History

1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).

ARTICLE 9. PHYSICAL THERAPY PROFESSIONAL CORPORATIONS

1399.30. Citation.

These regulations may be cited and referred to as "Physical Therapy Professional Corporation Regulations."

Note: Authority and reference cited: Sections 2615 and 2696, Business and Professions Code; and Section 13410, Corporations Code.

History

1. New Article 9. (Sections 1399.30-1399.41) filed 8-31-77; effective thirtieth day thereafter (Register 77, No. 36).

2. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

3. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.31. Professional Relationships and Responsibilities Not Affected.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

2. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.32. Office for Filing.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.33. Application.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.34. Approval and Issuance of Certificates.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.35. Requirements for Professional Corporations.

A professional corporation shall comply with the following provisions:

- (a) The corporation is organized and exists pursuant to the general corporation law and is a professional corporation within the meaning of Moscone-Knox Professional Corporations Act (Section 13400 et seq. of the Corporations Code).
- (b) Each shareholder, director and officer (except as provided in Section 13403 of the Corporations Code and Section 2694 of the code) holds a valid physical therapist license. A physical therapist may be a shareholder in more than one professional corporation.
- (c) Each professional employee of the corporation who will practice physical therapy, whether or not a director, officer or shareholder, holds a valid physical therapist license.

Note: Authority cited: Sections 2615 and 2696, Business and Professions Code. Reference: Sections 2690 and 2694, Business and Professions Code; and Sections 13401, 13403, 13404, 13405, 13406 and 13407, Corporations Code.

History

1. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).
2. Amendment filed 10-19-83; effective thirtieth day thereafter (Register 83, No. 43).

1399.36. Namestyle.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Repealer and new section filed 8-2-79; effective thirtieth day thereafter (Register 79, No. 31).
2. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.37. Shares: Ownership and Transfer.

- (a) Where there are two or more shareholders in a professional corporation and one of the shareholders:
 - (1) Dies; or
 - (2) Becomes a disqualified person as defined in Section 13401(d) of the Corporations Code for a period exceeding ninety (90) days, his or her shares shall be sold and transferred to the corporation, its shareholders or other eligible licensed persons on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder becomes a disqualified person. The requirements of this subsection shall be set forth in the professional corporation's articles of incorporation or bylaws.
- (b) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he or she again becomes an eligible shareholder.
- (c) The share certificates of a professional corporation shall contain an appropriate legend setting forth the restrictions of subsection (b), where applicable.
- (d) Nothing in these regulations shall be construed to prohibit a professional corporation from owning shares in a nonprofessional corporation.

Note: Authority cited: Section 2696, Business and Professions Code. Reference: Section 2696, Business and Professions Code; and Sections 13401, 13403, 13406 and 13407, Corporations Code.

History

1. Amendment of subsection (f) filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.38. Certificates of Registration: Continuing Validity and Reports.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Amendment of subsections (b), (c), and (d) filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.39. Corporate Activities.

- (a) A professional corporation may perform any act authorized in its articles of incorporation or bylaws so long as that act is not in

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY conflict with or prohibited by these regulations, the Physical Therapy Practice Act or the regulations adopted pursuant thereto.

(b) A professional corporation may enter into partnership agreements with other physical therapists practicing individually or in a group or with other physical therapy professional corporations.

Note: Authority cited: Section 2696, Business and Professions Code. Reference: Section 2696, Business and Professions Code; and Sections 13403, 13408 and 13410, Corporations Code.

History

1. Amendment of subsection (a) filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.40. Trusts.

The restrictions on the ownership of the shares of professional corporations shall apply to both the legal and equitable title to such shares.

Note: Authority cited: Section 2696, Business and Professions Code. Reference: Sections 13406 and 13407, Business and Professions Code.

History

1. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.41. Effect of Surrendered or Revoked Certificates; Probate.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

ARTICLE 10. FEES

1399.50. Physical Therapist Fees.

Pursuant to section 2688 of the code physical therapist fees are fixed as follows:

- (a) The application fee shall be \$50.00.
- (b) The application fee for foreign graduates under section 2653 of the code shall be \$100.00.
- (c) The examination and re-examination fees for taking the national examination shall be \$280.00.
- (d) The examination and re-examination fees for taking the law and regulations examination shall be \$85.00.
- (e) The initial license fee shall be \$120.00.
- (f) The biennial renewal fee shall be \$120.00.
- (g) The delinquency fee is \$60.00.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2638 and 2688, Business and Professions Code.

History

- 1. Amendment filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
- 2. Amendment filed 10-27-78 as an emergency; effective upon filing (Register 78, No. 43).
- 3. Certificate of Compliance filed 12-20-78 (Register 78, No. 51).
- 4. New subsection (c) and renumbering of subsection (c) to (d) filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
- 5. Amendment of subsections (c) and (d) filed 8-2-79; effective thirtieth day thereafter (Register 79, No. 31).
- 6. Amendment filed 2-8-80; effective thirtieth day thereafter (Register 80, No. 6).
- 7. Amendment filed 1-25-82; effective thirtieth day thereafter (Register 82, No. 5).
- 8. Amendment of subsections (a), (b) and (c) filed 5-15-91; operative 6-14-91 (Register 91, No. 26).
- 9. Amendment of subsections (d)-(f) filed 12-30-91; operative 1-29-92 (Register 92, No. 11).
- 10. Amendment of subsections (c)-(f) filed 11-19-92; operative 12-21-92 (Register 92, No. 47).
- 11. Amendment of subsection (c) filed 12-6-94; operative 12-6-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 49).
- 12. Amendment of subsections (a) and (b) filed 5-15-96; operative 6-14-96 (Register 96, No. 20).

1399.51. Initial License Fee Waiver.

The initial license fee required in Section 2688(b) of the code shall be waived in the event the certificate issued will expire less than 45 days from the date on which it was issued.

1399.52. Physical Therapist Assistant Fees.

Pursuant to section 2688 of the code physical therapist assistant fees are fixed as follows:

- (a) The application fee for approval as a physical therapist assistant shall be \$50.00.
- (b) The examination and re-examination fees for taking the physical therapist assistant national examination shall be \$265.00.
- (c) The examination and re-examination fees for taking the law and regulation examination shall be \$85.00.
- (d) The biennial renewal fee for a physical therapist assistant shall be \$120.00.
- (e) The delinquency fee for a physical therapist assistant shall be \$60.00.
- (f) The initial approval fee for a physical therapist assistant shall be \$120.00.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.6 and 2688, Business and Professions Code.

History

1. Amendment of subsection (a) filed 1-30-79; effective thirtieth day thereafter (Register 79, No. 5).
2. New subsection (b), and renumbering of subsections (b), (c), and (d) to (c), (d), and (e) filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
3. Amendment filed 8-2-79; effective thirtieth day thereafter (Register 79, No. 31).
4. Amendment filed 2-8-80; effective thirtieth day thereafter (Register 80, No. 6).
5. Amendment of subsections (e)-(g) filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).
6. Amendment filed 1-25-82; effective thirtieth day thereafter (Register 82, No. 5).
7. Repealer of subsections (e)-(g) filed 8-13-86; effective thirtieth day thereafter (Register 86, No. 33).
8. Amendment of subsection (b) filed 5-15-91; operative 6-14-91 (Register 91, No. 26).
9. Amendment of subsections (c) and (d) filed 1-6-92; operative 2-5-92 (Register 92, No. 11).
10. Amendment of subsections (a)-(d) and new subsection (e) filed 11-19-92; operative 12-21-92 (Register 92, No. 47).
11. Amendment of subsection (b) filed 12-6-94; operative 12-6-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 49).
12. Amendment of subsection (a) filed 5-15-96; operative 6-14-96 (Register 96, No. 20).

1399.53. Professional Corporation Fees.

Note: Authority cited: Sections 2615 and 2696, Business and Professions Code.

History

1. New section filed 8-31-77; effective thirtieth day thereafter (Register 77, No. 36).
2. Amendment of subsection (b) filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
3. Amendment of subsections (b) and (c), and new subsections (d) and (e) filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
4. Editorial correction of subsection (c) (Register 79, No. 29).
5. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.54. Electromyography Certification Fees.

Pursuant to section 2689 of the code, fees for physical therapists certified to perform electromyography are fixed as follows:

- (a) The application fee shall be \$100.00.
- (b) The biennial renewal fee shall be \$50.00.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2689, Business and Professions Code.

History

1. New section filed 11-17-78; effective thirtieth day thereafter (Register 78, No. 46).
2. Amendment filed 8-2-79; effective thirtieth day thereafter (Register 79, No. 31).
3. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
4. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
5. Amendment of subsection (a) filed 5-15-91; operative 6-14-91 (Register 91, No. 26).

1399.55. Conversion Renewal Schedule.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2684 and 2688, Business and Professions Code.

History

1. New Section filed 1-26-84; effective thirtieth day thereafter (Register 84, No. 4).
2. Repealer filed 9-16-88; operative 10-16-88 (Register 88, No. 40).

ARTICLE 11. ELECTROMYOGRAPHY CERTIFICATION

1399.60. Definitions.

As used in these regulations:

- (a) "Electroneuromyography" means the performance of tissue penetration for the purpose of evaluating neuromuscular performance, and includes the evaluation of specific abnormal potentials and evoked responses.
- (b) "Kinesiological electromyography" means the study, including tissue penetration, of the phasic activity of individual or multiple muscles in relation to another physical or physiological event or exercise and does not include the evaluation of specific abnormal potentials or evoked responses.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History

1. New Article 11 (Sections 1399.60-1399.69, not consecutive) filed 11-17-78; effective thirtieth day thereafter (Register 78, No. 46).
2. Amendment of NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
3. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).

4. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.61. Certification Required.

(a) No physical therapist shall perform tissue penetration for the purpose of making an electromyographical evaluation unless he or she is certified by the board to perform such tests or such practice is appropriately supervised pursuant to Sections 1399.63 or 01399.64 in order to meet the experience requirements for examination by the board for certification.

(b) No physical therapist who is certified to perform kinesiological electromyography shall perform electroneuromyographical evaluations without additional authorization from the board as indicated on his or her certification.

(c) No physical therapist who is certified to perform electroneuromyographical evaluations shall perform kinesiological electromyography without additional authorization from the board as indicated on his or her certification.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History

1. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).

2. New subsection (c) filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.62. Application Required.

All applications for certification by the board in electromyography shall be on a form provided by the board which is accompanied by whatever documentation is required therein and the certification fee required in Section 1399.54 of these regulations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History

1. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).

2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.63. Requirements for Kinesiological Electromyography Certification.

In order to be examined by the board for certification in kinesiological electromyography an applicant shall meet the following requirements:

(a) Licensure. Be licensed as a physical therapist by the board.

(b) Training in Tissue Penetration. Provide evidence of training under a licensed physician or a physical therapist certified to perform electromyography, in tissue penetration for the purpose of evaluation of muscular or neuromuscular performance which shall include instruction and demonstrations in:

- (1) Pertinent anatomy and physiology,
- (2) Choice of equipment,
- (3) Proper technique,
- (4) Hazards and complications,
- (5) Post test care, and
- (6) Satisfactory performance by the trainee in the technical skills of tissue penetration.

Such training may be completed as part of the course work obtained under subsection (c)(1) below.

(c) Education. Provide evidence of one of the following educational requirements:

(1) Completion of regular or extension course work pertinent to electromyography obtained in a public university or state college or in a private postsecondary educational institution which is accredited or approved under Section 94310 of the Education Code for which academic credit is awarded or continuing education course work, which is acceptable to the board. The curriculum vitae of the instructor, course outline, course objectives and evaluation mechanism of any extension or continuing education course work which is presented by the applicant as meeting the requirements of this section shall be forwarded to the board upon request. Such course work in order to qualify the applicant for certification shall include instruction in the following subject areas:

- (A) Gross anatomy -the muscular system of the body with emphasis on the structural and cross sectional relationships.
- (B) Neuroanatomy -organization and functional features of the central and peripheral nervous system.
- (C) Nerve and muscle physiology -bioelectric currents and their characteristic wave forms and conduction over peripheral nerves.

(2) Completion of a period of self-study which prepares the applicant to pass an examination for certification in kinesiological electromyography. Evidence and documentation shall include a summarization of what matters were contained in the self-study including the applicant's clinical exposure to electromyography and any materials studied on that subject and the names and statements, of any proctors who may have supervised the applicant in electromyography;

(3) Authorization to perform electromyography issued by another state with similar requirements.

(d) Experience. Provide evidence of the following experience requirements:

(1) Completion of not less than 200 clock hours in kinesiological electromyography satisfactory to the board which provides a progressive level of training under a physical therapist certified in kinesiological electromyography in this state or another state which has similar requirements for certification, or under a licensed physician who is similarly qualified to perform and who performs kinesiological electromyography as part of his or her practice of medicine who is approved by the board.

(2) Documentation of completion of 50 kinesiological electromyographic examinations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History

1. New section filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).

2. Amendment of subsections (c)(2) and (d)(2) filed 12-31-81; effective thirtieth day thereafter (Register 82, No. 1).
3. Amendment of subsections (c)(2) and (d)(2) filed 5-20-85; effective thirtieth day thereafter (Register 85, No. 21).
4. Amendment of subsections (b) and (d)-(d)(1), repealer of designation of subsections (d)(1)(A)-(C), repealer of subsection (d)(1)(B), repealer of designation of subsection (d)(2)(A) and repealer of subsections (d)(2)(B)-(C) filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.64. Requirements for Electroneuromyography Authorization.

In order to be examined by the board for additional authorization to perform electroneuromyographical examinations an applicant shall meet the following requirements:

- (a) Comply with Section 1399.63, subsections (a) and (b).
- (b) Education. Provide evidence of one of the following education requirements:
 - (1) In addition to that course work required in Section 1399.63, subsection (c)(1), completion of the following additional course work which meets the requirements of that section in the following subject areas:
 - (A) Neuroanatomy which also emphasizes the course of peripheral nerves and patterns of innervation.
 - (B) Clinical neurology, myology and pathology -identification of clinical characteristics of neurogenic and myogenic disorders.
 - (C) Physical science of electroneuromyography -basic electrophysiology and the identification and recording of bioelectric signals.
 - (D) Clinical science of electroneuromyography -knowledge and procedures of patient evaluation and examination, including electromyographic and nerve conduction velocity studies, and training in tissue penetration.
 - (2) Completion of a period of self-study which prepares the applicant to pass a supplemental examination for additional certification to perform electroneuromyographical examination. Evidence and documentation shall include a summarization of what matters were contained in the self-study including the applicant's clinical exposure to electroneuromyography and any materials studied on that subject and the name and statements, of any proctors who may have supervised the applicant in electroneuromyography.
 - (3) Authorization to perform electroneuromyographical examinations issued by another state with similar requirements.
- (c) Experience. Provide evidence of the following experience requirements:
 - (1) Completion of not less than 400 clock hours in electroneuromyography, satisfactory to the board which provides a progressive level of training under (a) a physical therapist authorized to perform electroneuromyography, in this state or, (b) under a licensed physical therapist in another state which has similar requirements for certification, who is authorized to perform electroneuromyography or who is certified by the American Board of Physical Therapy Specialists as an electrophysiological clinical specialist, or (c) under a licensed physician who is similarly qualified to perform and who performs electroneuromyography, as part of his or her practice of medicine.
 - (2) Documentation of completion of 200 electroneuromyographic examinations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History

1. Repealer and new section filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
2. Amendment of subsections (b)(2) and (c)(2) filed 12-31-81; effective thirtieth day thereafter (Register 82, No. 1).
3. Amendment of subsection (c)(1) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
4. Amendment of subsections (b)(2) and (c)(2) filed 5-20-85; effective thirtieth day thereafter (Register 85, No. 21).
5. Amendment of subsections (c)-(c)(1), repealer of designation of subsections (c)(1)(A)-(B) with textual amendments, repealer of designation of subsection (d)(2)(A) with textual amendment and repealer of subsection (d)(2)(B) filed 8- 29-94; operative 9-28-94 (Register 94, No. 35).

1399.65. Examination Required.

- (a) All physical therapists applying for certification to perform kinesiological electromyography shall take and pass the examination referred in Section 1399.66, which will be administered by the board or its delegatee.
- (b) All physical therapists applying for certification to perform electroneuromyography shall take and pass the examination referred in Section 1399.67, which will be administered by the board or its delegate.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code. History

1. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
2. Amendment of subsection (a) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
3. Repealer and new subsections (a) and (b) filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.66. Examination Subject Areas -Kinesiological Electromyography.

The examination for certification in kinesiological electromyography shall test applicants in the following subject areas:

(a) Basic science as related to kinesiological electromyography:

- (1) Anatomy
 - (2) Electrophysiology
- (b) Clinical science as related to kinesiological electromyography:
- (1) Pre-examination patient evaluation
 - (2) Instrumentation
 - (3) Kinesiological examination procedure and process.

(c) Practical application of kinesiological electromyography:

- (1) Needle/wire examination of muscles
- (2) Handling of equipment
- (3) Patient preparation and management
- (4) Data collection, presentation and summarization.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.
History

1. Repealer and new section filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
2. Repealer of subsection (a)(2) and subsection redesignation, amendment of subsections (b)(1) and (c)-(c)(1) filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.67. Examination Subject Areas - Electroneuromyography.

The examination for certification in electroneuromyography shall test applicants in the following subject areas:

(a) Basic science as related to electroneuromyography:

- (1) Anatomy
- (2) Electrophysiology
- (3) Neuromuscular pathology.

(b) Clinical science as related to electroneuromyography:

- (1) Instrumentation
- (2) Pre-examination patient evaluation
- (3) Examination procedure and process
- (4) Interpretation and recording of examination records and data.

(c) Practical application of electroneuromyography:

- (1) Needle examination of muscles
- (2) Motor and sensory nerve conduction velocity examinations.
- (3) Handling of equipment
- (4) Patient preparation and management
- (5) Data collection, presentation and summarization.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.
History

1. New section filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
2. Amendment filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.68. Certification Renewal.

All certificates to perform electromyography shall be renewed concurrently with each holder's physical therapy license. Renewals shall be on a form provided by the board accompanied by the renewal fee required in Section 1399.54 of these regulations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.
History

1. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.69. Suspension or Revocation of Certificates.

(a) Any certificate to perform electromyography may be suspended or revoked or have probationary conditions imposed thereon by the board as directed by the board after proceedings held in accordance to the Administrative Procedure Act (Section 11500 et seq. of the Government Code) for any violation of this article, the Physical Therapy Regulations or Section 2660 of the code.

(b) It shall constitute unprofessional conduct and a violation of these rules for a physical therapist certified to perform kinesiological electromyography only to perform electroneuromyography without additional authorization obtained from the board, unless such practice is appropriately supervised pursuant to Section 1399.64 in order to meet the experience requirements for examination by the board for such additional authorization.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.
History

1. Amendment of NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
3. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

ARTICLE 12. TOPICAL MEDICATIONS

1399.75. Compliance with Regulations.

A physical therapist may apply or administer topical medications to a patient as set forth in this article.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

History

1. New Article 12 (Sections 1399.75-1399.79) filed 2-11-81; effective thirtieth day thereafter (Register 81, No. 7).

1399.76. Topical Medications Defined.

As used in this article "topical medications" means medications applied locally to the skin or underlying tissue where there is a break in or absence of the skin where such medications require a prescription or order under federal or state law.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

1399.77. Administration of Medications.

Topical medications may be administered by a physical therapist by:

- (a) Direct application;
- (b) Iontophoresis; or
- (c) Phonophoresis.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

1399.78. Authorization and Protocols Required.

Topical medications shall be applied or administered by a physical therapist in accordance with this section.

(a) Any topical medication applied or administered shall be ordered on a specific or standing basis by a practitioner legally authorized to order or prescribe such medication.

(b) Written protocols shall be prepared for the administration or application of each of the groups of medications listed in Section 1399.79 for which a prescription is required under Federal or State law, which shall include a description of the medication, its actions, its indications and contraindications, and the proper procedure and technique for the application or administration of medication.

Note: Authority cited: Sections 2615 and 2630.3, Business and Professions Code. Reference: Section 2630.3, Business and Professions Code.

1399.79. Authorized Topical Medications.

A physical therapist may apply or administer those topical medications listed in this section in accordance with the provisions of this article:

- (a) Bacteriocidal agents;
- (b) Debriding agents;
- (c) Topical anesthetic agents;
- (d) Anti-inflammatory agents;
- (e) Antispasmodic agents; and
- (f) Andrenocortico-steroids.

Note: Authority cited: Sections 2615 and 2630.3, Business and Professions Code. Reference: Section 2630.3, Business and Professions Code.

CORPORATIONS CODE OF CALIFORNIA PART 4 PROFESSIONAL CORPORATIONS

13400. Title Cited.

This part shall be known and may be cited as the "Moscone-Knox Professional Corporation Act." Leg.H. 1968 ch. 1375.

13401. Definitions.

As used in this part:

(a) "Professional services" means any type of professional services which may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Business and Professions Code or the Chiropractic Act.

(b) "Professional corporation" means a corporation organized under the General Corporation Law or pursuant to subdivision (b) of Section 13406 which is engaged in rendering professional services in a single profession, except as otherwise authorized in Section 13401.5, pursuant to a certificate of registration issued by the governmental agency regulating the profession as herein provided and

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY which in its practice or business designates itself as a professional or other corporation as may be required by statute. However, any professional corporation or foreign professional corporation rendering professional services by persons duly licensed by the Medical Board of California or any examining committee under the jurisdiction of the board, the State Board of Pharmacy, the Board of Examiners in Veterinary Medicine, the Board of Architectural Examiners, the Certified Shorthand Reporters Board, or the Board of Registered Nursing shall not be required to obtain a certificate of registration in order to render those professional services.

(c) "Foreign professional corporation" means a corporation organized under the laws of a state of the United States other than this state that is engaged in a profession of a type for which there is authorization in the Business and Professions Code for the performance of professional services by a professional corporation.

(d) "Licensed person" means any natural person who is duly licensed under the provisions of the Business and Professions Code or the Chiropractic Act to render the same professional services as are or will be rendered by the professional corporation or foreign professional corporation of which he or she is or intends to become, an officer, director, shareholder, or employee.

(e) "Disqualified person" means a licensed person who for any reason becomes legally disqualified (temporarily or permanently) to render the professional services which the particular professional corporation or foreign professional corporation of which he or she is an officer, director, shareholder, or employee is or was rendering.

SUMMARY OF PENAL CODE OF CALIFORNIA
PART 4
TITLE 1
CHAPTER 2. CONTROL OF CRIMES AND CRIMINALS
ARTICLE 2. REPORTS OF INJURIES

Section 11160, Article 2, Chapter 2 of the Penal Code requires health practitioners (including physical therapists and physical therapist assistants), along with other identified individuals, who has knowledge of, or observes, in his or her professional capacity or within the scope of his or her employment, a patient whom he or she knows or reasonably suspects is a person suffering from a wound or other injury inflicted by his or her own act or inflicted by another where the injury is by means of a knife, firearm, or other deadly weapon, or any person suffering from any wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct, shall immediately make a report to a local law enforcement agency. Assaultive or abusive conduct includes murder (violation of Section 187), manslaughter (violation of Section 192 or 192.5) and mayhem (violation of Section 203, aggravated mayhem (violation of Section 205), torture (violation of Section 206), assault with intent to commit mayhem, rape, sodomy, or oral copulation (violation of Section 220), battery (violation of Section 242), sexual battery (violation of Section 243.5), incest (violation of Section 285), throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure (violation of Section 244), assault with a stun gun or laser (violation of Section 244.5), assault with a deadly weapon, firearm, assault weapon, or machine gun, or by means likely to produce great bodily injury (violation of Section 245), rape (violation of Section 261), spousal rape (violation of Section 262), procuring any female to have sex with another man (violation of Section 266, 266a, 266b, or 266c), child abuse or endangerment (violation of Section 273a or 273d), abuse of spouse or cohabitant (violation of Section 273.5), sodomy (violation of Section 286), lewd and lascivious acts with a child (violation of Section 288), oral copulation (violation of Section 288a), genital or anal penetration by a foreign object (violation of Section 289 or 289.5), elder abuse (violation of Section 368), and an attempt to commit any of the above crimes. Injury shall not include any psychological or physical condition brought about solely through the voluntary administration of a narcotic or restricted dangerous drug.

A report by telephone shall be made immediately or as soon as practically possible. A written report shall be prepared and sent to a local law enforcement agency within two working days of receiving the information regarding the person. A local law enforcement agency shall be notified and a written report shall be prepared and sent even if the person who suffered the wound, or other injury, or assaultive or abusive conduct has expired, regardless of whether or not the wound, other injury, or assaultive or abusive conduct was a factor contributing to the death, and even if the evidence of the conduct of the perpetrator of the wound, other injury, or assaultive or abusive conduct was discovered during an autopsy.

The report shall include, but shall not be limited to, the following:

(A) The name of the injured person, if known.

(B) The injured person's whereabouts.

(C) The character and extent of the person's injuries.

(D) The identity of any person the injured person alleges inflicted the wound, other injury, or assaultive or abusive conduct upon the injured person.

When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of violence that is required to be reported, and when there is an agreement among these persons to report as a team, the team may select by mutual agreement a team member to make the required reports. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

ARTICLE 2.5 CHILD ABUSE AND NEGLECT REPORTING ACT

Section 11166, Article 2.5, Chapter 2 of the Penal Code requires any health practitioner (including physical therapists and physical therapist assistants), along with other identified individuals, who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse

THE STUDY GUIDE FOR THE EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning this incident. **Failure to comply with the requirements of Section 11160 or 11166 of the Penal Code is a misdemeanor, punishable by up to six months in jail or by a fine of one thousand dollars (\$1,000) or by both.**

Word: Web Site 1999/Study Guide on the Laws and Regulations Governing the Practice of PT.doc
Revised 12/09/97